No. 89-1817

Supreme Court, U.S.
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In The

Supreme Court of the United States

October Term, 1990

COUNTY OF RIVERSIDE and COIS BYRD, SHERIFF OF RIVERSIDE COUNTY,

Petitioners,

v.

DONALD McLAUGHLIN, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

JOINT APPENDIX
VOLUME I

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Petition For Certiorari Filed May 17, 1990
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Second Amended Complaint for Declaratory and Injunctive Relief, filed July 25, 1988

Reporter's Transcript of February 6, 1989, Status Conference

Notice of Motion and Motion for Preliminary Injunction and Exhibits, filed March 3, 1989

Stipulation re First Appearance, filed March 24, 1989

Memorandum of Points and Authorities in Opposition to Motion for Preliminary Injunction, filed April 7, 1989

Plaintiffs' Reply Memorandum and Exhibits, filed April 13, 1989

Preliminary Injunction, entered April 19, 1989

Notice of Appeal, filed May 11, 1989

Order of the United States Court of Appeals for the Ninth Circuit granting stay pending resolution of appeal, filed June 20, 1989

Opinion and Judgment of the United States Court of Appeals for the Ninth Circuit, filed November 8, 1989

Order of the United States Court of Appeals for the Ninth Circuit denying petition for rehearing and suggestion for rehearing en banc, filed April 10, 1990

Order of the United States Court of Appeals for the Ninth Circuit granting emergency motion for stay of mandate, filed April 30, 1990

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DONALD LEE McLAUGHLIN, JOHNNY E. JONES, DIANE SIMON, MICHAEL SCOTT HYDE, BRETT HALE, DAVID KEISER, SHARON SWEENEY and LAVONNE HINDS, and all others similarly situated, Plaintiffs, vs. THE COUNTY OF RIVERSIDE and COIS BYRD as Sheriff and individually, Defendants.	CASE NO. CV 87-5597 RG SECOND AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CLASS ACTION (Filed JUL 25 1988)

1. This is an action at law to redress the deprivation by defendants of plaintiffs' rights, privileges and immunities arising under the Constitution and Laws of the United States and the deprivation under color of law by the individual defendants of these rights (First, Fourth, Eighth and Fourteenth Amendments of the Constitution of the United States, 42 USC Section 1983 by failing to promptly provide probable cause, bail and arraignment hearings for plaintiffs. Instead named plaintiff DONALD LEE McLAUGHLIN was arrested without a warrant in early August, 1987, and taken to Riverside County Jail. Plaintiff DONALD LEE McLAUGHLIN was not arraigned for five days which he spent in jail during which time no charges were filed against him and he never saw a Judge. Plaintiffs JOHNNY E JONES, DIANA RAY SIMON and MICHAEL SCOTT HYDE were arrested without warrants, were taken to the Riverside County Jail, did not receive and have not received prompt probable cause and bail hearings and are still in custody. Plaintiffs BRETT HALE and DAVID KEISER are pretrial detainees in the Riverside County Jail. SHARON SWEENEY and LAVONNE HINDS are pregnant women prisoners of the Riverside County Jail. They are and have been forced to sleep on the floor, sleep on upper bunks and have been denied adequate food and medical care.

2. The jurisdiction of this Court is invoked under 28 USC 1331, this being an action arising under the Constitution and Laws of the United States and under 42 USC 1343, this being an action authorized by law to redress the deprivation under color of the State law, statute, ordinance, regulation, custom and usage of a right, privilege and immunity secured to plaintiffs by the First,

Fourth, Eighth and Fourteenth Amendments of the Constitution of the United States.

3. Defendant COUNTY OF RIVERSIDE (hereinafter "County") is a unit of local government, duly formed and authorized under the laws of the State of California. As part of its duties, defendant County provides local jail facilities, specifically the Riverside County Jail located in the City of Riverside, County of Riverside. Through the Sheriff's Department of the County of Riverside, and other County agencies, defendant County also provides supervision to persons in the Riverside County Jail.

4. Individual defendant, COIS BYRD is the Sheriff of the County of Riverside, responsible for the Riverside County Jail and its inmates.

5. At all times pertinent to this Complaint, the named Individual Defendant was acting under the color of his official capacity and the ordinances and regulations of Riverside County, and the laws of the State of California.

7. The named plaintiffs are residents of the United States and the State of California.

8. During all times mentioned herein, the defendants, and each of them, separately and in concert, acted under color and pretense of law, to wit, under color of the statutes, ordinances, regulations, customs and usage of the State of California and the County. Each of the defendants herein, separately and in concert engaged and conspired in the illegal conduct herein mentioned to the injury of plaintiffs, and deprived the plaintiffs of the rights, privileges and immunities secured to plaintiffs by

the First, Fourth, Eighth and Fourteenth Amendments to the Constitution of the United States and the laws of the United States, pursuant to the practice and policy of defendant County.

9. At all times plaintiffs who were arrested without warrants were held in the Riverside County Jail without prompt probable cause hearings, bail hearings or arraignment. The Riverside County Jail is severely overcrowded, plaintiffs often being forced to sleep on the floor of "triple bunked" cells. Plaintiffs are also denied adequate access to counsel, adequate visitation, are subject to excessive force by guards and have been denied adequate food and medical care.

10. The deprivations suffered by plaintiffs were and are the result of ongoing patterns of conduct and practices of defendants, including defendant COUNTY OF RIVERSIDE and defendant BYRD, and unless and until ordered by this court, excessive detention of warrantless arrestees before probable cause hearings, bail hearings and arraignment, floor sleeping, denial of access to counsel, visitation and excessive force, and for pregnant prisoners, adequate food and medical care, will continue to deprive inmates of the Riverside County Jail of their constitutional rights.

11. Defendants are violating Constitutional standards for prompt post arrest, judicial determination of probable cause, and for bail and for arraignment. An actual controversy exists between the parties as to the interpretation of the Constitutional mandates for probable cause, bail and arraignment hearings. Plaintiffs, but not defendants, believe there should be *no delay* between

the time of arrest and presentation to a magistrate that is not necessary. The plaintiffs ask that this court adjudicate and issue a declaratory judgment on this issue.

CLASS ACTION ALLEGATIONS

12. The named plaintiffs as representatives of a class within the meaning of Rule 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure.

13. The members of the class are so numerous that joinders of all of them is impractical. there [sic] being more than 500 pre-trial detainees in the Riverside County Jail at any one time.

14. The members of the class are readily identifiable from the defendants' records.

15. There are questions of law and fact common to the class; their class claims predominate over any individual claim.

16. The claims of the named plaintiffs are typical of the claims of the class, in that plaintiffs are warrantless arrestees who did not, without unnecessary delay, receive prompt probable cause, bail and arraignment hearings, and as a result were unconstitutionally deprived of their liberty and freedom and pretrial detainees forced to sleep on the floor, denied adequate access to counsel and visitations.

17. The defendants have acted or refused to act on grounds generally applicable to the class by failing to provide prompt probable cause and bail hearings.

18. The named plaintiffs will fairly and adequately protect the interests of the class.

19. The class consists of all present and future prisoners in the Riverside County Jail including those pretrial detainees arrested without warrants and held in the Riverside County Jail from August 1, 1987 to the present, and all such future detainees who have been or may be denied prompt probable cause, bail or arraignment hearings.

20. Plaintiffs do not propose class notice at this time, consistent with the practice in the related cases.

WHEREFORE, plaintiffs pray:

1. For an order and judgment requiring that the defendants and the COUNTY OF RIVERSIDE provide in-custody arrestees, arrested without warrants, prompt probable cause, bail and arraignment hearings; forbidding floor sleeping; providing adequate access to counsel; adequate visitation; ending the use of excessive force; and, adequate food and medical care for pregnant prisoners.

2. For a declaratory judgment as prayed for;

3. For reasonable attorneys fees and costs of suit;

4. For such other relief as may be necessary and proper to effect the purposes of this litigation.

DATED: July 25, 1988

/s/ Richard P. Herman
RICHARD P. HERMAN
JAMES GLICK
PAUL W. COMISKEY
Attorneys for Plaintiffs

NO. CV 87-5597-RG

(Caption Omitted In Printing)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

Monday, February 6, 1989

COPY

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[p. 3] LOS ANGELES, CALIFORNIA; MONDAY, FEBRUARY 6, 1989; 11:00 AM

(Proceedings in unrelated matters heard.)

THE CLERK: Page 3, Item Number 6, CV £7-5597-RG, Donald Lee McLaughlin vs. The County of Riverside.

Counsel.

(Pause.)

THE COURT: Let's call the Gutierrez matter.

(Proceedings in unrelated matters heard.)

THE COURT: Okay. Let's talk about Riverside.

MS. VICTORINE: Good morning, your Honor. Pamela Victorine for Riverside County.

I guess we're at a somewhat different stage, hopefully, then San Bernardino. The Board of Supervisors have authorized us to propose a settlement of this lawsuit on certain terms and conditions, which we presented.

THE COURT: Yes, and I don't have any problem with them. I think the proposal was basically okay. The detainee does not have to waive the right to appear, because I don't think he's got the right, to begin with. The right – I think it's a good idea. You heard me say that, and I'll say it again.

MS. VICTORINE: Okay.

THE COURT: It has a very nice appearance to it, and sometimes appearances mean something in matters like this. And if he does appear, for God's sake, you know, he doesn't have to stand up and rail at the Court [p. 4] about, or the judicial officer, about anything like bail or counsel or any of that, but for heaven's sake give him two phone calls. That's just common sense.

MS. VICTORINE: Well, I hope we're at a stage where we can start maybe drafting something.

I think – Mr. Herman and I spoke again on Thursday. He has concerns that the person maybe should be able to say something about medical treatment. The other –

THE COURT: Well, there's another procedure for that, or there ought to be within the jail. I'm not going to get involved – I'm not going to run the Riverside County Jail, notwithstanding the fact that Mr. Herman would love to have me do that and then pay him for overseeing what I'm doing while I'm running the Riverside County Jail.

MR. HERMAN: Oh, your Honor, certainly not.

THE COURT: No way. It isn't going to happen.

MS. VICTORINE: I believe –

THE COURT: No, I would just – I'd automatically give him, the person, if the person appears, if it's practicable for the person to appear, I'd automatically give him two telephone calls. And the procedure for getting medical treatment in the jail is another matter that doesn't have anything to do with *Gerstein*, and I'm just talking [p. 5] *Gerstein* here.

MS. VICTORINE: Okay, that's fine.

THE COURT: My only problem with your papers is that if you think I'm going to go roaming through the Penal Code of the State of California declaring everything in there unconstitutional, you're sorely mistaken.

MS. VICTORINE: I think it's –

THE COURT: It simply is unnecessary to do that. I mean, there's a clear difference between the concept of arraignment, as expressed in the Penal Code, and the *Gerstein* process. There's a clear difference, and there's just no reason for me to declare any section of the Penal Code unconstitutional. I'm sure it would make your supervisors real happy if I did that and it would give them a great excuse to do what they're going to have to do anyway, but I don't know any Federal Judge in his right mind that would be tempted to do that.

So basically your program is acceptable. I think you ought to put it into fine print, and we'll look at it.

MS. VICTORINE: Okay, your Honor. Would it be possible that we could have something in the order that would say that the procedures that they're now doing doesn't comply with the constitutional dictates?

THE COURT: The arraignment process does not. [p. 6] It clearly does not comport with *Gerstein*. I'll be happy to say that, if you give me some language to that effect. But don't tell me to declare the Penal Code of California unconstitutional. That's just a little much.

MR. HERMAN: Your Honor, we've had some discussions with Riverside, both Miss Victorine and with Miss Anderson of County Counsel's Office. I've indicated that I would prefer not to have all the detail about what the prisoner can't do in the record; that what we should stipulate to is a *Gerstein* hearing or *Gerstein* determination within 36 hours. And we've also had some discussions about the language of saying that Penal Code provisions

are insufficient to meet the constitutional mandates of *Gerstein*. So I think that we may be able to work out language –

THE COURT: I would agree with you, that I don't see any necessity for cluttering up the papers with all the things that the inmate can't do. Let's just talk about what's happening.

MR. HERMAN: At the same –

THE COURT: I'm going to have continuing jurisdiction over this for a period of time. And I must say that I'm very pleased at the paucity of occasions that this whole matter has been brought to my attention from Orange County. It's been quite rare.

[p. 7] MR. HERMAN: No, we've done very well there and –

THE COURT: It works; okay?

MR. HERMAN: That's true. It works; both sides are satisfied. We haven't had to come back to court.

The problem I have, your Honor, is that both in Riverside and in San Bernardino I think the time is pretty much common. I've informed County Counsel of both counties that I'm going to two-track everything, and I'm going to finish the discovery in case we have to come in for preliminary injunction. At least at the main facility, and that –

THE COURT: I don't know how many times I have to say this. It is an extravagant waste of county funds to fight this litigation on principle, because you can't win.

MR. HERMAN: I understand that.

THE COURT: I wasn't talking to you.

MR. HERMAN: I know, but it's time to wrap it up.

THE COURT: Well, I agree with you. It's going to get wrapped up. Okay.

MR. HERMAN: And that's what we're going to do. And in the meantime we will be talking about language for Court orders and hopefully we'll wrap it up.

[p. 8] THE COURT: Okay.

MR. HERMAN: One thing that I have –

THE COURT: Just call us and let us know when you want to put it on calendar again.

Yes?

MR. HERMAN: One thing that I have talked about is it may be advisable in both counties to start with the main jail, the Riverside County Jail in Riverside and the San Bernardino County Jail in San Bernardino and then work out –

THE COURT: Get it started; I agree with you.

MR. HERMAN: – and that's at least where some of the focus will be now.

THE COURT: Okay, that's fine.

MS. VICTORINE: Would the Court want to give us a date certain that we could we [sic] working toward?

THE COURT: I will, if you want. Thirty days.

Give me a date, please.

If you want me to hold the supervisors feet to the fire, I'm about to do it.

MS. VICTORINE: Well, your Honor –

MR. HERMAN: Your Honor, as far as Riverside is concerned, I'm going to set some depositions. I'm applying to move for a preliminary injunction next month, so I don't think there's any reason to set a date.

[p. 9] THE COURT: Well, I'm going to set a date.

MR. HERMAN: I'm going to come in and get them if we can't resolve it.

THE COURT: Thirty days, please.

MS. VICTORINE: The Monday thirty days from now, I don't have my calendar.

THE COURT: The clerk will give it to us.

THE CLERK: March 6, 1989.

THE COURT: All right.

MS. VICTORINE: At 11:00 a.m.?

THE COURT: Yes.

MS. VICTORINE: Okay, fine, thank you.

THE COURT: Next case.

MR. HERMAN: Thank you, your Honor.

(Proceedings concluded.)

* * *

(Certification Of Transcript Omitted In Printing)

CASE NO. CV 87-5597 RG

NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION

(Filed Mar 3 1989)

(Caption Omitted In Printing)

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TO DEFENDANTS AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that plaintiffs herein will move and hereby move this court for a preliminary injunction on April 3, 1989, at 10:00 a.m. Said injunction will bar the defendants from keeping persons in custody in the Riverside County Jail without affording them a prompt probable cause for detention hearing. This motion is based on these moving papers and exhibits, the file in this case, the depositions of defendants and their employees, taken and in progress, and such other oral and documentary evidence as the court may admit at the hearing.

DATED: March 2, 1989

/s/ Richard P Herman
RICHARD P. HERMAN
JAMES GLICK
PAUL W. COMISKEY
Attorneys for Plaintiffs

MEMORANDUM

I

STATEMENT OF THE CASE

Plaintiffs are prisoners arrested without warrants and held by Riverside County in Riverside County Jails. Prisoners arrested on a Thursday or a Friday do not see a Judge (or are not released for excessive detention before their first arraignment) until, at least, the following Monday or Tuesday, a delay of 72 hours or, on three-day weekends 96 hours or more (Exhibit 2). Plaintiffs are entitled to a prompt judicial determination of probable cause for continued detention. From the experience in Orange County, as many as one in four warrantless arrestees will be released upon a determination of no probable cause for continued detention (Exhibit 3). The court should also consider that newly arrested prisoners (i.e., the members of *this* class) usually must sleep on the floor in an antiquated and unconstitutionally overcrowded jail (416 beds for more than 650 prisoners).

II

THE LAW

In 1975, the United State Supreme Court held that the law of this land is that an adult arrested without a

warrant and held in detention must be provided with a prompt judicial probable cause for detention determination. *Gerstein v. Pugh*, 420 U.S. 103 (1975). The Ninth Circuit, in line with virtually every other court, has affirmed a "24 hour" standard as reasonable. *Bernard v. City of Palo Alto*, 699 F.2d 1023, 1025 (9th Cir. 1983) (per curiam); cf. *Sanders v. City of Houston*, 543 F.Supp. 694, 701-03 (S.D. Tex. 1982, aff'd without opinion, 741, F.2d 1379 (5th Cir. 1984); *Lively v. Cullinane*, 451 F.Supp. 1000, 1004 (D.D.C. 1978); cf. *Dommer v. Crawford*, 653 F.2d 289 (7th Cir. 1981).

"[sic] Almost all of these courts have determined that 'prompt' means a period of hours rather than days. See *Bernard v. City of Palo Alto*, 699 F.2d at 1025 (twenty-four hour maximum; however detention for less than twenty-four hours could run afoul of fourth amendment rights in individual case); *Sanders v. City of Houston*, 543 F.Supp at 701-03 (twenty-four hour maximum); *Lively v. Cullinane*, 451 F.Supp. 1000, 1004 (more than hour and one-half detention gives rise to constitutional claim); see also *Gramenos v. Jewel Companies, Inc.*, 797 F.2d 432, 437 (7th Cir. 1986) (four hour delay requires explanation for misdemeanant), cert. denied, 1075 Ct. [sic] 1952) (1987); cf. *Dommer v. Hatcher*, 427 F.Supp. at 1046 (twenty-four hour maximum; forty-eight hours if Sunday is included). (Judge Stewart dissenting in *Williams v. Ward*, 845 F.2d 374 (2nd Cir. 1988), the *one* case which allows 72 hours because of the special circumstances of Manhattan.)

III

INJUNCTIVE RELIEF IS PROPER

The equitable criteria for granting injunctive relief are: (1) strong likelihood of success on the merits; (2) the possibility of irreparable injury to plaintiffs if the injunction is not issued; (3) a balance of hardships favoring plaintiffs; and, (4) advancement of the public interest. *Los Angeles Memorial Coliseum Com'n. v. Nat. Football League*, 634 F.2d 1197, 1200 (9th Cir. 1980). *See*, e.g., *Richter v. Department of Alcoholic Beverage Control*, 559 F.2d 1168, 1173 (9th Cir. 1977); *Aguirre v. Chula Vista Sanitary Services*, 542 F.2d 229 (9th Cir. 1976).

Plaintiffs can meet this burden by showing either: (1) a combination of probable success on the merits and the possibility of irreparable injury, or (2) that serious issues are raised and the balance of hardships tip sharply in plaintiffs' favor. As the Ninth Circuit has explained, these "are not really two entirely separate tests . . . they are merely extremes of a single continuum:"

> The critical element in determining the test to be applied is the relative hardship to the parties. If the balance of harm tips decidedly toward the plaintiff, then the plaintiff need not show as robust a likelihood of success on the merits as when the balance tips less decidedly. *Aguirre v. Chula Vista Sanitary Service*, 542 F.2d 779 (9th Cir. 1976). No chance of success at all, however, will not suffice. The irreducible minimum has been described by one court as a fair chance of success on the merits. *McCormick v. Clayton*, 441, F.Supp. 662 (D. Oregon 1977), while another has said that the questions must be serious enough to require litigation, *Aguirre, supra*, . . . [W]e accept either [formulation] as satisfactory.

Benda v. Grand Lodge of the International Association of Machinists and Aerospace Workers, 584 F.2d 303, 315 (9th Cir. 1978), *cert. dismissed*, 441 U.S. 937 (1979). *Accord:*

Dollar Rent-a-car of Washington, Inc. v. Travelers Indemnity Company, 774 F.2d 1371, 1374-75 (9th Cir. 1985).

Preliminary relief has been granted in numerous jail and prison cases. See, e.g., *Miller v. Carson*, 401 F.Supp. 835 (M.D. Fla. 1975) (jail overcrowding conditions); *Vasquez v. Gray*, 523 F.Supp. 1379 (S.D. N.Y. 1981) (jail overcrowding); *Inmates of Attica C.F. v. Rockefeller*, 453, F.2d 12 (2nd Cir. 1971) (brutality after retaking of prison); *Lilies v. Ward*, 424 F.Supp. 678 (M.D. Pa. 1981) (retaliation by County for bringing jail and other institutional litigation).

A showing of violation of constitutional rights is sufficient to establish irreparable harm. *Elrod v. Burns*, 427 U.S. 347 (1976); *Deerfield Medical Center v. City of Deerfield Beach*, 661 F.2d 328, 338 (5th Cir. 1981); *Johnson v. Bergland*, 586 F.2d 993, 995 (4th Cir. 1978).

Where the court finds that the conditions affected by its preliminary injunction are of doubtful constitutionality, that plaintiffs would probably succeed on the merits, and that the balance of hardships tipped sharply in plaintiffs' favor, injunctive relief is appropriate. *Toussaint v. Yockey*, 722 F.2d 1490 at p. 1496 (9th Cir. 1984).

Plaintiffs demonstrate both a substantial likelihood that they will prevail on the merits of their Complaint and that the balance of hardships tip decidedly in favor of issuance of a preliminary injunction. Thus, both prongs of the Ninth Circuit's test require that a preliminary injunction be issued here.

IV

THE PRELIMINARY INJUNCTION

This action has been certified as a class action. Plaintiffs request a Preliminary Injunction which is identical in substance to the Orange County Order (Exhibit 1), vis:

1. The County of Riverside, by and through Cois Byrd, its Sheriff, shall initiate and implement the following policy:

> All persons arrested without a warrant and detained in the custody of the Riverside County Jails, County of Riverside, California, shall, within thirty six (36) hours of the time of the arrest, be taken before a Judge, Magistrate, Court Commissioner, or other authorized judicial officer, for a hearing on determination of probable cause for detention.

(See *Gerstein v. Pugh*, 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed. 54 (1975); *Bernard v. City of Palo Alto*, 699 F.2d 1023 (9th Cir. 1983).

2. The court will retain jurisdiction indefinitely to review the procedures adopted and implemented hereunder, with a view to their compliance in practice with the mandate of *Gerstein* and *Bernard*. This includes the implementation of satisfactory procedures in the Riverside County branch jails as soon as practicable.

3. The above policy shall be effective sixty (60) days after entry of this order.

DATED: March 2, 1989

/s/ Richard P Herman
RICHARD P. HERMAN
JAMES GLICK
PAUL W. COMISKEY
Attorneys for Plaintiffs

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BARRY SCOTT, et al., Plaintiffs, v. BRAD GATES, et al., Defendants.	)	No. CV 84-8647 RG(Kx) STIPULATED ORDER

(Filed Oct. 3, 1988)

This action was filed on November 8, 1984. While it has always been presented – at least in general terms – as having a class action perspective, formal request for certification of a class was not made until July 9, 1985.

The motion for certification has been formally briefed and argued, and substantial interim discovery on the issue has been conducted. In addition several informal conferences have been had among counsel and the court. All parties concerned are is substantial agreement on the question of a class action and the relief which should be afforded to that class.

Accordingly, it is ordered:

1. The parties agree that there is a certifiable class in this case, thus eliminating certification as a pending issue.

2. The class is composed of all persons arrested and [illegible] in the County of Orange, without an outstanding arrest warrant justifying the same, between December 5, 1981 and the date hereof.

3. The County of Orange, by and through Brad Gates, its Sheriff/Coroner, shall initiate and implement the following policy:

> All persons arrested without a warrant and detained in the custody of the Orange County Jail, Orange County, California, shall, within 36 hours of the time of arrest, be taken before a judge, magistrate, court commissioner, or other authorized judicial officer, for a hearing on determination of probable cause for detention.

(*See Gerstein v. Pugh*, 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed. 54 (1975); *Bernard v. City of Palo Alto*, 699 F.2d 1023 (9th Cir. 1983).)

4. The court will retain jurisdiction indefinitely to review the procedures adopted and implemented hereunder, with a view to their compliance in practice with the mandate of *Gerstein* and *Bernard*.

5. The above policy shall be effective sixty (60) days after entry of this order.

This order has no effect whatever upon the claims of the individually named plaintiffs in this action other than as they are affected as members of the class.

/s/ Richard A Gadbois
RICHARD A. GADBOIS, JR.
United States District Judge

DATED: October 3, 1986.

EXHIBIT 2

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

DONALD LEE McLAUGHLIN, et al.,	)	CASE NO. CV 87-5597 RG
Plaintiffs	)	PLAINTIFFS' SUPPLEMENTAL EXHIBITS RE: CLASS CERTIFICATION
vs.	)	
THE COUNTY OF RIVERSIDE, et al.,	)	
Defendants.	)	

I

EXHIBITS - WORST CASE "5-DAY" SCENARIO

Defendants have produced the charts and records attached hereto as EXHIBITS A, B and C indicating substantial non-compliance with *Gerstein v. Pugh*, 420 U.S

103, 43, L.Ed.2d 54 (1975). Plaintiffs selected three days, November 11, 12 and 13, 1987, for which a compilation of 108 arrests were provided. November 11th was a holiday and a Wednesday. November 12th was Thursday and November 13th was Friday. Plaintiffs expected a typical worst case weekend or holiday scenario, that is persons arrested on Wednesday would likely not be arraigned or released "no complaint" until the following Monday, November 16, 1987, *that is, five (5) days* in custody without seeing a magistrate or a judge. In fact, the records produced substantiate the worst case scenario (for Example, EXHIBIT A, arrests No. 2, 3, 7, 12, 13, etc.).

As in *Scott*, plaintiffs requested and received a compilation. One hundred eight arrests were tracked. There were many citation releases (P.C. 853.6 OR 853.9), OR and Bail releases, and Drunk releases when sober (P.C. 849(b)2). In part, this was due to a seriously overcrowded jail, where there were 25% more male inmates than beds (EXHIBIT C). The list of arrestees (EXHIBIT B) when compared with the release lists raise the interesting question of why so many cite and releases were issued at the jail, rather than in the field.

Removed from the sample were those quickly released, Marshalls' arrests which were likely on warrants, and two or three apparently prompt arraignments which were likely arrests on warrants, or for parole or probation violations or otherwise aberrant.

II.

WARRANTLESS ARESTEES HELD IN CUSTODY

This leaves a rough sample of 28 warrantless arrestees (Nos. 2, 3, 6, 7, 12, 13, 15, 18 21, 26, 34, 36, 38, 40, 42, 46, 49, 56, 59, 60, 64, 67, 68, 73, 75, 78, 79, 88, 92, 105) arrested over a period of three days and not promptly released. Of the total warrantless arrestee sample, 42% *were released "no complaint" after four to six days in custody.*

Of warrantless arrestees eventually seen by a Judge (16):

6% were seen by a Judge in 3 days

56% were seen by a Judge in 4 days

37% were seen by a Judge in 5 days

Thus *every* "normal" warrantless arrestee was held in custody in violation of *Gerstein*. Assuming 10,000 arrests a year (108 in three days), 2,800 persons a year are held in the Riverside County Jail in violation of *Gerstein*.
DATED: January 22, 1988

/s/ Richard P Herman
RICHARD P. HERMAN
JAMES GLICK
PAUL W. COMISKEY
Attorneys for Plaintiff

EXHIBIT A

BOOKING NUMBER: H23983

ARREST DATE TIME: 11/11/87 0010 hours

CHARGES ARRESTING AGENCY: 23142a/b VC Riverside Police

JAIL BOOKING DATE TIME: 11/11/87 0100 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: Cited

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/11/87 0600 hrs

BOOKING NUMBER: H23997

ARREST DATE TIME: 11/11/87 0130

CHARGES ARRESTING AGENCY: 220 PC Corona Police

JAIL BOOKING DATE TIME: 11/11/87 1200 hours

TO COURTHOUSE NOT SEEN BY JUDGE: 11/12/87 11/13/87 11/16/87

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 825 PC

ACTUALLY RELEASED DATE TIME: 11/17/87 0615 hrs

BOOKING NUMBER: H23991

ARREST DATE TIME: 11/11/87 0140

CHARGES ARRESTING AGENCY: 459 PC Riverside Police

JAIL BOOKING DATE TIME: 11/11/87 0530

TO COURTHOUSE NOT SEEN BY JUDGE: Not taken Re: no complaint at court

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 825 PC

ACTUALLY RELEASED DATE TIME: 11/16/87 2005 hrs

BOOKING NUMBER: H23989

ARREST DATE TIME: 11/11/87 0410

CHARGES ARRESTING AGENCY: 647f PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/11/87 0510

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 849(b)2 PC

ACTUALLY RELEASED DATE TIME: 11/11/87 0905 hrs

BOOKING NUMBER: H23990

ARREST DATE TIME: 11/11/87 0410

CHARGES ARRESTING AGENCY: 647f PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/11/87 0515

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 849(b)2 PC

ACTUALLY RELEASED DATE TIME: 11/11/87 0915 hrs

BOOKING NUMBER: H23995

ARREST DATE TIME: 11/11/87 0820

CHARGES ARRESTING AGENCY: 10851 VC, 245a PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/11/87 0940 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bail bond

ACTUALLY RELEASED DATE TIME: 11/14/87 0125 hrs

BOOKING NUMBER: H23996

ARREST DATE TIME: 11/11/87 1135 hours

CHARGES ARRESTING AGENCY: 247(b) PC Moren Valley Police

JAIL BOOKING DATE TIME: 11/11/87 1250 hours

TO COURTHOUSE NOT SEEN BY JUDGE: Not taken Re: No complaint at court

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 825 PC

ACTUALLY RELEASED DATE TIME: 11/16/87 2215 hrs

BOOKING NUMBER: H24000

ARREST DATE TIME: 11/11/87 1200 hours

CHARGES ARRESTING AGENCY: 23152a/b VC Riverside Police

JAIL BOOKING DATE TIME: 11/11/87 1245 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/11/87 1730 hrs

BOOKING NUMBER: H24003

ARREST DATE TIME: 11/11/87 1350 hours

CHARGES ARRESTING AGENCY: 490.5 PC Riverside Police

JAIL BOOKING DATE TIME: 11/11/87 1430 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/11/87 1825 hrs

BOOKING NUMBER: H024002

ARREST DATE TIME: 11/11/87 1415 hours

CHARGES ARRESTING AGENCY: 647f PC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/11/87 1500 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: Cited

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/11/87 1845 hrs

BOOKING NUMBER: H24006

ARREST DATE TIME: 11/11/87 1505 hours

CHARGES ARRESTING AGENCY: 23152 a/b VC CHP

JAIL BOOKING DATE TIME: 11/11/87 1620 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/11/87 2020 hrs

BOOKING NUMBER: H24007

ARREST DATE TIME: 11/11/87 1600 hours

CHARGES ARRESTING AGENCY: 459 PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/11/87 1630 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/16/87

RELEASE AUTHORITY: Bail bond

ACTUALLY RELEASED DATE TIME: 11/17/87 1610 hrs

BOOKING NUMBER: H24011

ARREST DATE TIME: 11/11/87 1815 hours

CHARGES ARRESTING AGENCY: 245(a)PC, 594 PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/11/87 1830 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/16/87

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/16/87 2020 hrs

BOOKING NUMBER: H24013

ARREST DATE TIME: 11/11/87 1730 hours

CHARGES ARRESTING AGENCY: 23152a/b VC CHP

JAIL BOOKING DATE TIME: 11/11/87 1905 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/11/87 2350 hrs

BOOKING NUMBER: H24015

ARREST DATE TIME: 11/11/87 1620 hours

CHARGES ARRESTING AGENCY: 273.5 PC Perris Police

JAIL BOOKING DATE TIME: 11/11/87 2015 hours

TO COURTHOUSE NOT SEEN BY JUDGE: 11/12/87

FIRST COURT APPEARANCE: 11/13/87

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/13/87 1248 hrs

BOOKING NUMBER: H24021

ARREST DATE TIME: 11/11/87 2200

CHARGES ARRESTING AGENCY: 23152a/b VC, 14601 VC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/11/87 2245 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bail

ACTUALLY RELEASED DATE TIME: 11/12/87 0340 hrs

BOOKING NUMBER: H24023

ARREST DATE TIME: 11/11/87 2200 hours

CHARGES ARRESTING AGENCY: 242 PC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/11/87 2320 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/12/87 0220 hrs

BOOKING NUMBER: H24024

ARREST DATE TIME: 11/11/87 2300

CHARGES ARRESTING AGENCY: 23152a/b VC, 23103 VC Riverside Police

JAIL BOOKING DATE TIME: 11/11/87 2338

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/12/87 0515 hrs

BOOKING NUMBER: H23836

ARREST DATE TIME: 11/11/87 1710 hours

CHARGES ARRESTING AGENCY: 490.5 PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/11/87 1900 hours

TO COURTHOUSE NOT SEEN BY JUDGE: Not taken No complaint at court

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 825 PC

ACTUALLY RELEASED DATE TIME: 11/16/87 2150 hrs

BOOKING NUMBER: H24027

ARREST DATE TIME: 11/12/87 0040 hours

CHARGES ARRESTING AGENCY: 23152a/b VC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/12/87 0142 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/12/87 0515 hrs

BOOKING NUMBER: H24109

ARREST DATE TIME: 11/12/87 0200 hours

CHARGES ARRESTING AGENCY: 11377 H&S Hemet Police

JAIL BOOKING DATE TIME: 11/12/87 1555 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/16/87

RELEASE AUTHORITY: Still in court

ACTUALLY RELEASED DATE TIME: n/a

BOOKING NUMBER: H24032

ARREST DATE TIME: 11/12/87 0145 hours

CHARGES ARRESTING AGENCY: 23152a/b CHP

JAIL BOOKING DATE TIME: 11/12/87 0305

TO COURTHOUSE NOT SEEN BY JUDGE: 11/13/87

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bail

ACTUALLY RELEASED DATE TIME: 11/14/87 1530 hrs

BOOKING NUMBER: H24038

ARREST DATE TIME: 11/12/87 0215 hours

CHARGES ARRESTING AGENCY: 1150 H&S 23152 a/b VC 11377 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 0415 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/12/87 1655 hrs

BOOKING NUMBER: H24041

ARREST DATE TIME: 11/12/87 0231 hours

CHARGES ARRESTING AGENCY: 10851 VC 183 PC 496 PC Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 0728 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/12/87 1215 hrs

BOOKING NUMBER: H24033

ARREST DATE TIME: 11/12/87 0250 hours

CHARGES ARRESTING AGENCY: 11377 H&S Moreno Valley Police

JAIL BOOKING DATE TIME: 11/12/87 0340 hours

TO COURTHOUSE NOT SEEN BY JUDGE: Hospital from 11/13/87 to 12/01/87

FIRST COURT APPEARANCE: 12/02/87

RELEASE AUTHORITY: Court release

ACTUALLY RELEASED DATE TIME: 12/02/87 1710 hrs

BOOKING NUMBER: H24039

ARREST DATE TIME: 11/12/87 0340 hours

CHARGES ARRESTING AGENCY: 23152a/b VC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/12/87 0530 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/12/87 0955 hrs

BOOKING NUMBER: H24040

ARREST DATE TIME: 11/12/87 0420 hours

CHARGES ARRESTING AGENCY: 10851 VC 496PC Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 0630 hours

TO COURTHOUSE NOT SEEN BY JUDGE: Not taken No Complaint at court

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 825 PC

ACTUALLY RELEASED DATE TIME: 11/16/87 2010 hrs

BOOKING NUMBER: H24046

ARREST DATE TIME: 11/12/87 0910 hours

CHARGES ARRESTING AGENCY: 23152a/b VC Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 1030 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/12/87 1550 hrs

BOOKING NUMBER: H24059

ARREST DATE TIME: 11/12/87 0930 hours

CHARGES ARRESTING AGENCY: 148 PC Marshal

JAIL BOOKING DATE TIME: 11/12/87 1240 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/12/87 Court commitment

RELEASE AUTHORITY: Fine paid

ACTUALLY RELEASED DATE TIME: 11/13/87 0215 hrs

BOOKING NUMBER: H24050

ARREST DATE TIME: 11/12/87 1010 hours

CHARGES ARRESTING AGENCY: 4532 PC Marshal

JAIL BOOKING DATE TIME: 11/12/87 1110 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/12/87

RELEASE AUTHORITY: Bail bond

ACTUALLY RELEASED DATE TIME: 11/12/87 1845 hrs

BOOKING NUMBER: H24057

ARREST DATE TIME: 11/12/87 1200 hours

CHARGES ARRESTING AGENCY: 484 PC Marshal

JAIL BOOKING DATE TIME: 11/12/87 1200 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/12/87 Court commitment

RELEASE AUTHORITY: Book/release

ACTUALLY RELEASED DATE TIME: 11/12/87 1335 hrs

BOOKING NUMBER: H24060

ARREST DATE TIME: 11/12/87 1200 hours

CHARGES ARRESTING AGENCY: 23152a Marshal

JAIL BOOKING DATE TIME: 11/12/87 1240 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/12/87 Court commitment

RELEASE AUTHORITY: Time served

ACTUALLY RELEASED DATE TIME: 11/23/87 0045 hrs

BOOKING NUMBER: H24054

ARREST DATE TIME: 11/12/87 1205 hours

CHARGES ARRESTING AGENCY: 484 PC 488 PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/12/87 1205 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/12/87 Court commitment

RELEASE AUTHORITY: Book/release

ACTUALLY RELEASED DATE TIME: 11/12/87 1300 hrs

BOOKING NUMBER: H24105

ARREST DATE TIME: 11/11/87 1205 hours

CHARGES ARRESTING AGENCY: 11351 H&S 496 PC Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 1520 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/16/87

RELEASE AUTHORITY: Court order

ACTUALLY RELEASED DATE TIME: 12/14/87 1445 hrs

BOOKING NUMBER: H23839

ARREST DATE TIME: 11/12/87 1210 hours

CHARGES ARRESTING AGENCY: 490.5 PC Riverside Sheriff Transportation

JAIL BOOKING DATE TIME: 11/12/87 1215 hours

TO COURTHOUSE NOT SEEN BY JUDGE: Remand

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Book/release Court order

ACTUALLY RELEASED DATE TIME: 11/12/87 1321 hrs

BOOKING NUMBER: H24403

ARREST DATE TIME: 11/12/87 1240 hours

CHARGES ARRESTING AGENCY: 11351 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 1500 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/16/87

RELEASE AUTHORITY: Court release

ACTUALLY RELEASED DATE TIME: 12/02/87 1455 hrs

BOOKING NUMBER: H23848

ARREST DATE TIME: 11/12/87 1530 hours

CHARGES ARRESTING AGENCY: 490.5 PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/12/87 1625 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/13/87

RELEASE AUTHORITY: Time served

ACTUALLY RELEASED DATE TIME: 11/13/87 1635 hrs

BOOKING NUMBER: H24115

ARREST DATE TIME: 11/12/87 1530 hours

CHARGES ARRESTING AGENCY: 23152a VC Perris Police

JAIL BOOKING DATE TIME: 11/13/87 1130 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/16/87

RELEASE AUTHORITY: Still in custody

ACTUALLY RELEASED DATE TIME: n/a

BOOKING NUMBER: H23843

ARREST DATE TIME: 11/12/87 1600 hours

CHARGES ARRESTING AGENCY: 23152a VC 11550 H&S Corona Police

JAIL BOOKING DATE TIME: 11/12/87 1856 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.6 PC

ACTUALLY RELEASED DATE TIME: 11/12/87 2335 hrs.

BOOKING NUMBER: H24165

ARREST DATE TIME: 11/12/87 1600 hours

CHARGES ARRESTING AGENCY: 496 PC Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 1720 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/16/87

RELEASE AUTHORITY: Time served

ACTUALLY RELEASED DATE TIME: 12/11/87 0700 hrs

BOOKING NUMBER: H24052

ARREST DATE TIME: 11/12/87 1130 hours

CHARGES ARRESTING AGENCY: 11378.5 H&S Riverside Sheriff

JAIL BOOKING DATE TIME: 11/12/87 1130 hours

TO COURTHOUSE NOT SEEN BY JUDGE: 11/12/87

FIRST COURT APPEARANCE: 11/12/87

RELEASE AUTHORITY: Court Commitment Still in custody

ACTUALLY RELEASED DATE TIME: n/a

BOOKING NUMBER: H24102

ARREST DATE TIME: 11/12/87 1240 hours

CHARGES ARRESTING AGENCY: 11351 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 1500 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/16/87

RELEASE AUTHORITY: Still in custody

ACTUALLY RELEASED DATE TIME: n/a

BOOKING NUMBER: H24164

ARREST DATE TIME: 11/12/87 1630 hours

CHARGES ARRESTING AGENCY: 11350 Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 1830 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/13/87

RELEASE AUTHORITY: Still in custody

ACTUALLY RELEASED DATE TIME: n/a

BOOKING NUMBER: H24160

ARREST DATE TIME: 11/12/87 1830 hours

CHARGES ARRESTING AGENCY: 23152a/b VC Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 2020 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 0045 hrs

BOOKING NUMBER: H24152

ARREST DATE TIME: 11/12/87 1900 hours

CHARGES ARRESTING AGENCY: 273.5 PC 254(s) PC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/12/87 2210 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bail bond

ACTUALLY RELEASED DATE TIME: 11/13/87 2055 hrs

BOOKING NUMBER: H24157

ARREST DATE TIME: 11/12/87 2005 hours

CHARGES ARRESTING AGENCY: 12020 PC University of California, Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 2050 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/13/87 0045 hrs

BOOKING NUMBER: H2415 [illegible digit]

ARREST DATE TIME: 11/12/87 2020 hours

CHARGES ARRESTING AGENCY: 647f PC 12020A PC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/12/87 2105 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 825 PC

ACTUALLY RELEASED DATE TIME: 11/17/87 2030 hrs

BOOKING NUMBER: H24155

ARREST DATE TIME: 11/12/87 2030 hours

CHARGES ARRESTING AGENCY: 4573 PC 4230 B&P Riverside Sheriff

JAIL BOOKING DATE TIME: 11/12/87 2130 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bail Bond

ACTUALLY RELEASED DATE TIME: 11/13/87 0530 hrs

BOOKING NUMBER: H24145

ARREST DATE TIME: 11/12/87 2050 hours

CHARGES ARRESTING AGENCY: 11379.6 H&S 496 PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/12/87 2340 hours

TO COURTHOUSE NOT SEEN BY JUDGE: 11/13/87 11/16/87 11/17/87

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 825 PC

ACTUALLY RELEASED DATE TIME: 11/17/87 2030 hrs

BOOKING NUMBER: H24151

ARREST DATE TIME: 11/12/87 2051 hours

CHARGES ARRESTING AGENCY: 23152a/b VC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/12/87 2235 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 0300 hrs

BOOKING NUMBER: H24154

ARREST DATE TIME: 11/12/87 2120 hours

CHARGES ARRESTING AGENCY: 647f PC Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 2145 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 0200 hrs

BOOKING NUMBER: H24153

ARREST DATE TIME: 11/12/87 2140 hours

CHARGES ARRESTING AGENCY: 647f PC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/12/87 2200 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 849B(2)

ACTUALLY RELEASED DATE TIME: 11/13/87 0210 hrs

BOOKING NUMBER: H24144

ARREST DATE TIME: 11/12/87 2150 hours

CHARGES ARRESTING AGENCY: 23152a/b VC 148 PC CHP

JAIL BOOKING DATE TIME: 11/12/87 2345 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 0700 hrs

BOOKING NUMBER: H24147

ARREST DATE TIME: 11/12/87 2215 hours

CHARGES ARRESTING AGENCY: 23152a/b VC Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 2330 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 0430 hrs

BOOKING NUMBER: H24149

ARREST DATE TIME: 11/12/87 2240 hours

CHARGES ARRESTING AGENCY: 647 PC Riverside Police

JAIL BOOKING DATE TIME: 11/12/87 2307 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 0430 hrs

BOOKING NUMBER: H24847

ARREST DATE TIME: 11/12/87 2315

CHARGES ARRESTING AGENCY: 11378 H&S 11377 H&S 11550 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 0215 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/17/87

RELEASE AUTHORITY: Still in custody

ACTUALLY RELEASED DATE TIME: n/a

BOOKING NUMBER: H23844

ARREST DATE TIME: 11/12/87 2330 hours

CHARGES ARRESTING AGENCY: 647f PC

JAIL BOOKING DATE TIME: 11/12/87 2355 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 0400 hrs

BOOKING NUMBER: H24048

ARREST DATE TIME: 11/12/87 1100 hours

CHARGES ARRESTING AGENCY: 490.5 PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/12/87 1100 hours

TO COURTHOUSE NOT SEEN BY JUDGE: Court remand

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Book/release

ACTUALLY RELEASED DATE TIME: 11/12/87 1250 hrs

BOOKING NUMBER: H24141

ARREST DATE TIME: 11/12/87 2050 hours

CHARGES ARRESTING AGENCY: 11379.6 H&S 496 PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/13/87 0200 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 825 PC

ACTUALLY RELEASED DATE TIME: 11/17/87 2030 hrs

BOOKING NUMBER: H24139

ARREST DATE TIME: 11/12/87 2310 hours

CHARGES ARRESTING AGENCY: 11379 H&S 11378 H&S 11550 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 0225 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 825 PC

ACTUALLY RELEASED DATE TIME: 11/16/87 2208 hrs

BOOKING NUMBER: H24130

ARREST DATE TIME: 11/13/87 0415 hours

CHARGES ARRESTING AGENCY: 23152a/b VC CHP

JAIL BOOKING DATE TIME: 11/13/87 0510 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 0845 hrs

BOOKING NUMBER: H24134

ARREST DATE TIME: 11/13/87 0420 hours

CHARGES ARRESTING AGENCY: 242 PC Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 0440 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bail

ACTUALLY RELEASED DATE TIME: 11/13/87 0910 hrs

BOOKING NUMBER: H24096

ARREST DATE TIME: 11/13/87 1004 hours

CHARGES ARRESTING AGENCY: 11351 H&S 11550 H&S 11364 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1450 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/16/87

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 12/15/87 1830 hrs

BOOKING NUMBER: H24224

ARREST DATE TIME: 11/13/87 1011 hours

CHARGES ARRESTING AGENCY: 11352 H&S 11550 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1355 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Court OR

ACTUALLY RELEASED DATE TIME: 12/01/87 1530 hrs

BOOKING NUMBER: H24114

ARREST DATE TIME: 11/13/87 1020 hours

CHARGES ARRESTING AGENCY: 11377 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1245 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/17/87

RELEASE AUTHORITY: Still in custody

ACTUALLY RELEASED DATE TIME: n/a

BOOKING NUMBER: H24417

ARREST DATE TIME: 11/13/87 1010 hours

CHARGES ARRESTING AGENCY: 246 PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/13/87 1040 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/13/87

RELEASE AUTHORITY: Work release program

ACTUALLY RELEASED DATE TIME: 12/24/87 1600 hrs

BOOKING NUMBER: H24222

ARREST DATE TIME: 11/13/87 1016 hours

CHARGES ARRESTING AGENCY: 11351 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1410 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bond

ACTUALLY RELEASED DATE TIME: 11/15/87 1500 hrs

BOOKING NUMBER: H24223

ARREST DATE TIME: 11/13/87 1016 hours

CHARGES ARRESTING AGENCY: 11351 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1410 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/17/87

RELEASE AUTHORITY: Court release

ACTUALLY RELEASED DATE TIME: 12/01/87 1715 hrs

BOOKING NUMBER: H24225

ARREST DATE TIME: 11/13/87 1016 hours

CHARGES ARRESTING AGENCY: 11351 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1400 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/17/87

RELEASE AUTHORITY: Court release

ACTUALLY RELEASED DATE TIME: 12/01/87 1525 hrs

BOOKING NUMBER: H24099

ARREST DATE TIME: 11/13/87 1020 hours

CHARGES ARRESTING AGENCY: 11377 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1245 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/13/87 2333 hrs

BOOKING NUMBER: H24227

ARREST DATE TIME: 11/13/87 1030 hours

CHARGES ARRESTING AGENCY: 11550 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1355 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 1820 hrs

BOOKING NUMBER: H23848

ARREST DATE TIME: 11/13/87 1115 hours

CHARGES ARRESTING AGENCY: 490.5 PC Marshal

JAIL BOOKING DATE TIME: 11/13/87 1150 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: Court commitment

RELEASE AUTHORITY: Time served

ACTUALLY RELEASED DATE TIME: 11/16/87 0655 hrs

BOOKING NUMBER: H24098

ARREST DATE TIME: 11/13/87 1149 hours

CHARGES ARRESTING AGENCY: 490.5 PC Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1320 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 1817 hrs

BOOKING NUMBER: H24100

ARREST DATE TIME: 11/13/87 1149 hours

CHARGES ARRESTING AGENCY: 490.5 PC Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1320 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 1820 hrs

BOOKING NUMBER: H24219

ARREST DATE TIME: 11/13/87 1150 hours

CHARGES ARRESTING AGENCY: 459 PC CHP

JAIL BOOKING DATE TIME: 11/13/87 1545 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/14/87 0050 hrs

BOOKING NUMBER: H24226

ARREST DATE TIME: 11/13/87 1200 hours

CHARGES ARRESTING AGENCY: 11550 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1400 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 1820 hrs

BOOKING NUMBER: H24111

ARREST DATE TIME: 11/13/87 1200 hours

CHARGES ARRESTING AGENCY: 11550 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1350 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 1840 hrs

BOOKING NUMBER: H24094

ARREST DATE TIME: 11/13/87 1330 hours

CHARGES ARRESTING AGENCY: 11351 H&S 11550 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1535 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/17/87

RELEASE AUTHORITY: Court release

ACTUALLY RELEASED DATE TIME: 12/01/87 1845 hrs

BOOKING NUMBER: H24218

ARREST DATE TIME: 11/13/87 1400 hours

CHARGES ARRESTING AGENCY: 23152 VC Marshal

JAIL BOOKING DATE TIME: 11/13/87 1500 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/13/87 Court commitment

RELEASE AUTHORITY: Still in custody

ACTUALLY RELEASED DATE TIME: n/a

BOOKING NUMBER: H24095

ARREST DATE TIME: 11/13/87 1400 hours

CHARGES ARRESTING AGENCY: 470 PC Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1515 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/14/87 0230 hrs

BOOKING NUMBER: H24093

ARREST DATE TIME: 11/13/87 1415 hours

CHARGES ARRESTING AGENCY: 490.5 Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1615 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 2100 hrs

BOOKING NUMBER: H24221

ARREST DATE TIME: 11/13/87 1450 hours

CHARGES ARRESTING AGENCY: 11351 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1540 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/17/87

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 12/01/87 1810 hrs

BOOKING NUMBER: H24216

ARREST DATE TIME: 11/13/87 1500 hours

CHARGES ARRESTING AGENCY: 496 PC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/13/87 1617 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bail

ACTUALLY RELEASED DATE TIME: 11/14/87 0115 hrs

BOOKING NUMBER: H24217

ARREST DATE TIME: 11/13/87 1500 hours

CHARGES ARRESTING AGENCY: 496 PC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/13/87 1617 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bail

ACTUALLY RELEASED DATE TIME: 11/14/87 0107 hrs

BOOKING NUMBER: H24092

ARREST DATE TIME: 11/13/87 1530 hours

CHARGES ARRESTING AGENCY: 10851 VC 496 PC Riverside Sheriff

JAIL BOOKING DATE TIME: 11/13/87 1716 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/14/87 0230 hrs

BOOKING NUMBER: H24213

ARREST DATE TIME: 11/13/87 1540 hours

CHARGES ARRESTING AGENCY: 490.5 PC Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 1728 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 1945 hrs

BOOKING NUMBER: H24212

ARREST DATE TIME: 11/13/87 1545 hours

CHARGES ARRESTING AGENCY: 23152a/b VC CHP

JAIL BOOKING DATE TIME: 11/13/87 1740 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bond

ACTUALLY RELEASED DATE TIME: 11/14/87 1300 hrs

BOOKING NUMBER: H24208

ARREST DATE TIME: 11/13/87 1640 hours

CHARGES ARRESTING AGENCY: 2800.1 VC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/13/87 1802 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 1900 hrs

BOOKING NUMBER: H24206

ARREST DATE TIME: 11/13/87 1655 hours

CHARGES ARRESTING AGENCY: 23152a/b VC CHP

JAIL BOOKING DATE TIME: 11/13/87 1816 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 2310 hrs

BOOKING NUMBER: H24207

ARREST DATE TIME: 11/13/87 1700 hours

CHARGES ARRESTING AGENCY: 20000 VC 148 PC CHP

JAIL BOOKING DATE TIME: 11/13/87 2044 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/13/87 2355 hrs

BOOKING NUMBER: H24200

ARREST DATE TIME: 11/13/87 1815 hours

CHARGES ARRESTING AGENCY: 23153a/b VC CHP

JAIL BOOKING DATE TIME: 11/13/87 2030 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/14/87 0230 hrs

BOOKING NUMBER: H24199

ARREST DATE TIME: 11/13/87 1915 hours

CHARGES ARRESTING AGENCY: 23152a/b VC CHP

JAIL BOOKING DATE TIME: 11/13/87 2040 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/14/87 0040 hrs

BOOKING NUMBER: H24201

ARREST DATE TIME: 11/13/87 1940 hours

CHARGES ARRESTING AGENCY: 647f PC Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 2030 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/14/87 0040 hrs

BOOKING NUMBER: H24196

ARREST DATE TIME: 11/13/87 1940 hours

CHARGES ARRESTING AGENCY: 23152a/b VC Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 2050 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/14/87 0045 hrs

BOOKING NUMBER: H24193

ARREST DATE TIME: 11/13/87 2030 hours

CHARGES ARRESTING AGENCY: 11377a H&S 11550 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 2120 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE: 11/18/87

RELEASE AUTHORITY: Court release

ACTUALLY RELEASED DATE TIME: 12/03/87 1655 hrs

BOOKING NUMBER: H24190

ARREST DATE TIME: 11/13/87 2120 hours

CHARGES ARRESTING AGENCY: 647 G Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 2205 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: 853.9 PC

ACTUALLY RELEASED DATE TIME: 11/14/87 0215 hrs

BOOKING NUMBER: H24189

ARREST DATE TIME: 11/13/87 2120 hours

CHARGES ARRESTING AGENCY: 12020a PC Moreno Valley Police

JAIL BOOKING DATE TIME: 11/13/87 2220 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: OR

ACTUALLY RELEASED DATE TIME: 11/14/87 1245 hrs

BOOKING NUMBER: H24186

ARREST DATE TIME: 11/13/87 2205 hours

CHARGES ARRESTING AGENCY: 11377 H&S 11550 H&S Riverside Police

JAIL BOOKING DATE TIME: 11/13/87 2310 hours

TO COURTHOUSE NOT SEEN BY JUDGE:

FIRST COURT APPEARANCE:

RELEASE AUTHORITY: Bail bond

ACTUALLY RELEASED DATE TIME: 11/14/87 2015 hrs

Exhibit B

Daily Report of Jail Admissions
FOR 11/11/87

JAIL LOCATION RIVERSIDE JAIL

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
GEORGE,DANIEL,GILBERT	H004002	647	RSO	02/05/29
BATEMAN,LAURA,GAYE	H023834	40508A	RSO	10/12/63
BRACAMONTE,MARIA,OLIVIA	H023835	FTA	CPRD	10/26/53
BURTON,BEVERLY	H023836	490.5	RSD	11/01/62
LOPEZ,RAMON,ANTHONY	H023982	11550H	RPD	10/03/62
REED,WILLIAM,EDGAR	H023983	23152A	RPD	10/26/46
DICKERSON,WESLEY,DEWAIN,JR	H023984	23152A	CHP	08/12/60
BROWN,RICHARD,ELDON	H023986	490.5	RSO	09/28/54
BAGLEY,MICHAEL,EDWARD	H023987	40508A	RSO	01/28/67
DELAHERRAN,CLEOFAS,JR	H023988	40508A	UCRPD	12/02/67
HARRIS,REGGIE,WILLIAM	H023989	647F P	RSO	11/01/64
GLACIER,GLEN,JAMES	H023990	647F P	RSO	12/09/66
NGUYEN,THANH,TRUNG	H023991	459 PC	RPD	11/23/67
LOPEZ,SAUL,MOSIES	H023992	VOP	HPD	05/09/66
CRUSE,VINCENT,WARREN	H023993	853.7	SLOPD	07/21/65

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NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
GAINES,KENDRIRK,ANDRE	H023994	14061.	CRPD	02/28/63
HENRY,DARRELL,SCOTT	H023995	10851V	RSO	07/16/58
MARTINEZ,RUMALDO,RODRIGUEZ	H023996	1203.2	RSO	02/02/60
MATTHEWS,EARL,WAYNE	H023997	220PC	CPD	11/16/32
MOORE,PERRY,RAYMOND	H023998	247PC	RSO	11/30/58
MASSIE,JERRY	H023999	470PC	RPD	10/13/67
RUDTIGER,JOSEPH	H024000	23152	RSO	05/16/52
BOLD,RICK,ERIC	H024001	40508A	RSO	01/27/65
ANKENBAUER,MARIS,GEARED	H024003	490.5	RPD	11/06/62
HARMISON,ANTHONY,DWAYNE	H024004	40508V	RSP	12/28/63
KRUEGER,KENNETH,JOHN	H024005	853.7	RSD	02/01/52
COLIN,JOSE,MANUEL	H024006	23152	CHP	09/23/69
KELLY,RAMON	H024007	459	RSO	12/19/67
LAGIGNE,ANTHONY,JON	H024008	40508M	RPD	10/25/66
RODRIGUEZ,MARIO,RENE	H024009	11350	RSO	10/18/68
IPLIN,NEIL,ALLAN	H024010	14601.	RSO	09/23/61
MAU,DAVID	H024011	245A P	RSO	10/07/66
OSBORE,SHAWN,ANDREW	H024012	40508A	RPD	
JOHNSON,GERALD,LEE	H024013	647 PC	MVPD	01/31/33
PETERSEN,JOHN	H024014	23152A	CHP	08/19/27
SUTPHIN,CHRISTOPHER,ALLAN	H024015	273.5	PRD	09/12/60

65

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
SMITH,DAVID,ANTHONY	H024016	484/85	PRD	04/22/69
LEE,DARRYL,RENAY	H024017	40508A	PPD	02/11/60
SNYDER,BILL,JOE	H024018	40508A	MVPD	11/07/55
DUCKWORTH,JOHNNY,LEE,JR	H024019	11350	RSO	08/16/63
HAYWOOD,HUGH,ALONZO	H024021	23152	RSO	06/16/55
[ILLEGIBLE],EUGENE,KENNETH	H024023	242 PC	MVPD	12/29/63
JOHNSON,GREGORY,LYNN	H024024	23152A	RPD	02/18/58
NEAL,SCOTT,LASALE	H024025	40508A	MVPD	12/30/66
TOTAL DEFENDANTS: 44				
MCPHEE,CRYSTAL,RACHAEL	H023837	666 PC	RPD	01/25/61
YATES,DARLA,GAY	H023838	11352	RPD	08/30/64
CLARK,CATHARINE,LEIGH	H023839	490.5	RSO	06/20/63
RINCON,GUADALUPE	H023840	490.5	RPD	02/08/60
ORTEGA,GLORIA,JEAN	H023841	B/W	RSO	07/08/53
CROSS,MARGUERITE,ADALE	H023842	1320	RPD	05/29/62
WASHBURN,ELLEN,KAY	H023843	11550	CPD	08/14/61
DUNCAN,BARBARA,JOAN,JR	H023844	647F P	RPD	09/25/64
[ILLEGIBLE],VIRGIL,LEROY	H024026	VOP B/	RPD	01/26/40
ASAVASANTI,SOMPHONG	H024027	23152A	RSO	04/04/51
HARRELL,ROBERT,EDWARD	H024028	40508A	UCR	06/22/60

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
BOYLAN,THOMAS,PAUL	H024029	11377A	RPD	04/15/61
WOODS,BRYCE,EUGENE	H024030	40508A	RSO	06/24/60
FRANCO,ROBERT	H024031	VOP 23	MVPD	03/27/55
ERWIN,STEVEN,GAIL	H024032	23152A	CHP	04/09/58
TENEYCK,DAVID,EARL	H024033	11377	MVPD	08/18/66
PADILLA,FERMIN	H024034	VOP B/	CPD	02/13/53
MEDINA,FELICIANO,ROJAS	H024035	40508A	CPD	06/09/62
GATLIN,ERIK,LEE	H024036	40508A	CPD	09/09/68
THOMPSON,TONY,LEE	H024037	459 PC	MVPD	07/09/69
SOWDER,STEVEN,DOUGLAS	H024038	11377	RPD	07/07/58
HARTIN,GY,DEWAYNE	H024039	23152A	MVPD	12/22/50
JONES,WESLEY,EDWARD	H024040	10851	RPD	10/07/67
MCKASKLE,JAMES,EDWIN	H024041	10851	RPD	03/06/69
PONDER,CRAIG,ALLEN	H024042	VOP	RSO	12/20/63
FISHER,BRUCE,WAYNE	H024043	11379.	RSO	12/08/66
WILCOS,FRANK,GLENN	H024044	CRT OR	RSO	12/16/61
DELEON,STANLEY,GREGORY	H024045	40508A	RPD	08/27/65
GORDON,MICHAEL,THOMAS	H024046	23152A	RPD	05/05/51
[ILLEGIBLE],RANDOLPH,BERNARDIII	H024047	40508A	RPD	05/12/67
TODD,RICHARD,ANGEL	H024048	490.5	RSO	08/28/69
CHARLES,ANTHONY,RAY	H024049	20001V	RSO	09/01/69

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
GORDON,RICHARD,STUART	H024050	4532PC	MARSH	04/06/60
PONCE,HECTOR,AVILA	H024051	11352H	RSO	12/01/39
HERNANDEZ,EDWARD	H024052	11378.	RSO	11/12/64
MCMAHAN,MICHAEL,CHARLES	H024053	508PC	RSO	09/12/44
DEANDA,JESSE,JOE	H024054	484	RSO	06/03/51
LAW,KEITH,EDWARD	H024055	3056PC	PAROL	05/09/56
JAMES,CLEO,JOEL	H024056	11352	RPD	10/29/66
CATANZARO,JOSEPH,FRANK	H024057	484	RSO	01/07/27
BROWN,RONALD,DEAN	H024058	VOP	RSO	03/05/41
SCHUMACHER,MICHAEL,EUGENE	H024059	148PC	MARSH	01/12/65
MAHAN,RONNIE,BERNARD	H024060	23152A	MARSH	11/20/51
BUTTS,ADRAIN	H024061	11352	RSO	08/23/61
MENDEZ,JAIME,ANI	H024062	459	RSO	12/10/60
VARNER,WILLIAM,LEWIS	H024063	B/W WR	RSO	04/23/47
SCOTT,MICHAEL,ANDREW	H024064	853.7	RSO	09/30/64
MITCHELL,PAUL,WILLIAM	H024065	40508A	RSO	09/24/57
POWELL,RONALD,DEAN	H024066	B/W VO	RSO	01/05/61
LOGE,JAMES,SEWARD	H024067	B/W WR	RSO	07/08/57
BOSQUE,DIONICIO,DAVID	H024068	853.7	RSO	09/10/62
WOOLRIDGE,JERRELL,EDWARD	H024069	6126B&	DA	02/15/31
GALLOWAY,JULIUS,LEE	H024070	11351.	RPD	09/15/45

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
KNEIFL,MICHAEL,PERRY	H024071	B/W WR	RSO	10/23/54
DUGGAN,JUDITH,LAYON	H024074	459 PC	MVPD	03/22/59
GONZALEZ,ISRAEL,RAMIREZ	H024101	11352	RPD	02/21/38
[ILLEGIBLE],FRANCISCO,VERUGO	H024102	11351	RPD	02/18/69
LOPEZ,JORGE,CAMPS	H024103	11351	RPD	02/09/44
YATES,HENRY,JOSEPH	H024104	11352	RPD	08/28/61
BRUSON,PAUL,EMOND	H024105	11351	RPD	03/01/43
HARVEY,KEENAN,GALE	H024106	148.9P	RPD	01/18/55
LOYD,LAMAR,EUGENE	H024107	245A P	RSO	05/25/65
BRINKLEY,BRYAN,LEE	H024108	VOP	MARSH	04/15/64
DAVIS,JAMES,GLENN	H024109	11377	HMPD	02/23/57
DEWILDE,JOHN,RAYMOND	H024110	11378	RSO	08/28/53
PECK,JAMES,CARL	H024144	23152A	CHP	11/27/52
BENNETT,LEANDREW,JR	H024145	11379.	RSO	05/29/58
FARNHAM,THOMAS,ALDEN	H024147	23512A	RPD	05/01/54
[ILLEGIBLE],DAVID,ANDREW	H024148	11352	RPD	10/16/59
WALKER,JERRY,WALTER	H024149	647F P	RPD	08/14/49
CRAIG,THOMAS,JR	H024150	166.4	RPD	06/26/44
STEWART,JAMES,ROBERT	H024151	23512A	RSO	05/14/65
WHITE,KENNETH,BARRON	H024152	273.5	MVPD	02/17/64
GEORGE,GILBERT,DANIEL	H024153	647F P	MVPD	08/14/30

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
VARGO,DAVID,RAYMOND	H024154	647F P	RPD	05/09/49
DAVIS,RAY,LEE	H024155	4573	RSO	05/18/52
BUTLER,JOHN,PATRICK	H024156	12020	MVPD	08/12/60
GOREE,JOEL,STANLEY	H024157	12020	UCR	09/10/69
ANACLETO,JOSEPH,THOMAS	H024159	40508A	MVPD	07/20/64
FIOCCA,ANTHONY,ANDREW,JR	H024160	23152A	RPD	03/09/65
WILLIAMS,DAVID,LEE	H024161	VOP	RPD	11/06/61
BLACK,JOEL,ALLEN	H024162	FTA	CPD	04/03/65
[ILLEGIBLE],THOMAS,LAWRENCE	H024163	11379	RPD	09/23/64
CERVANTES,FABIAN,ENRIQUE	H024164	11350	RPD	06/04/64
MUNOZ,GABRIEL,MORALES	H024165	496	RPD	09/28/63
ORTEGA,ALBERT,ALLEN	H024166	148.9	RSO	11/18/59
GRAHAM,KARL,INGEMAR	H024167	11352	RPD	08/26/59
TOTAL DEFENDANTS: 87				
STELTON,TAMMY,DEBORAH	H023350	5204A	RSD	06/02/[]
DUVAL,DOROTHY,CURRIE	H023845	647F P	CHP	01/23/
DOWNEY,JOANNE,CAROL	H023846	647F P	RPD	06/15/
EMPRONTO,DENA	H023847	11378	RPD	10/21/
[ILLEGIBLE],PAULETTE	H023848	490.5	MARSH	09/26/
[ILLEGIBLE],GERALDINE,LAYTONIA	H024091	11351	RPD	05/22/

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
JONES,SONYA,DELPHINE	H024092	10851	RSD	01/10/6
LEWIS,PATSY	H024093	490.5	RPD	05/20/6
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
AGUILERA,VERONA	H024098	490.5	RPD	09/14/6
GRACIA,DEBORAH,LYNN	H024099	11377A	RPD	04/10/6
[ILLEGIBLE],GRACIELLA	H024100	490.5	RPD	06/20/5
MCNIEL,DAVID,SCOTT	H024111	11550	RPD	01/25/6
RHOADS,RAYMOND,WILLARD	H024112	B/W 11	RSO	06/25/5
HUNICUTT,EDDIE,JOSEPH	H024113	40508A	RSO	08/21/5
GRACIA,MARK,XAVIER	H024114	11377A	RPD	04/29/5
GARCIA,FELIX,MILAN	H024115	23152A	PPD	01/20/4
GARCIA,ROBERT,OCHOAJR.	H024116	11378H	RSO	09/22/59
SOULLIERE,CHARLES,JAMES	H024117	246PC	RSO	05/22/63
HORTON,RODNEY,BERNARD	H024118	11350	RSO	10/10/6
ELLIS,BRETT,PERRY	H024119	833.7	RSO	07/01/6
PADILLA,ANATOLIO	H024120	23102A	RSO	07/03/5
BRAY,MELVIN,LEON	H024121	40508A	RSO	07/25/
ALFARO,LUIS,WILLIAMS	H024122	B/W FT	RSO	08/10/

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
HASLACKER,STEPHEN,CRAIG	H024123	40508A	RSO	05/26/5
DURAN,RANDY	H024124	40508A	RPD	12/06/5
MORALES,TIMOTHY	H024125	11377H	RSO	04/06/6
LOGG,GILBERT	H024126	853.7P	RPD	04/09/6
ROBINSON,MARVIN,ANTHONY	H024127	3056PC	P/CSD	03/09/5
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
[ILLEGIBLE],JOHN,GERALD	H024132	40508A	RSO	08/04/6
[ILLEGIBLE],ANDREW,JACK	H024133	4463A	RSO	01/06/6
GANNON,JAMES,KEVIN	H024134	242 PC	RPD	12/17/6
KONIKOW,JASON,ISAAC	H024135	537 PC	RPD	01/16/6
DEVANE,RONALD	H024136	11357	RPD	08/13/4
HAVINS,LARKIN,LINDSEY	H024137	23512A	RPD	07/06/55
BRIZUELA,RICHARD,DELANO	H024138	11550	RPD	04/13/62
NIEDRINGHAUS,CHARLES,CLARK	H024139	11379	RPD	05/12/48
FORD,TIMOTHY,HAMS	H024141	11379.	RSO	05/26/69
DAILEY,EARNEST,EDWIN	H024142	11377	RPD	06/29/63
SMITH,LAWRENCE,MICHAEL	H024143	23152A	RPD	01/15/62
ARENAS,ALFRED,JOSEPH	H024166	11377	RPD	11/12/64

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
FOSTER,TROY,LEE	H024188	FTA	RPD	09/02/62
SMITH, ANDREW,LINTON	H024189	12020	MVPD	04/17/59
WILSON,ROBERT,JAMES	H024190	23512A	CHP	11/20/
ROBBINS,JAMES,AUGUST	H024193	11377	RPD	05/21/
SHETLEY,JOHN,LEE	H024195	1320	RPD	04/17/
LOGSTON,TERRY,DALE	H024196	23152A	RPD	06/28/
ARROYO,HERIBERTO	H024198	11359	RSD	02/23/
[ILLEGIBLE],EISANDRO,RAMON	H024199	3152A/	CHP	03/02/
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
PERRYMAN,SHELDON,LEE	H024204	11550	RSO	03/04/6
GUZMAN,JOSE,ROBERTO	H024206	23152	CHP	05/05/6
NUNEZ,FRANK,JAVIER	H024207	20002V	CHP	07/27/5
GUNNER,CALVIN,EUGENE	H024208	28001	MVPD	10/18/6
LIRA,CARLOS	H024209	11550	RPD	12/17/6
IBANEZ,MARTIN	H024210	40508	RPD	07/23/6
STEWART,DAVID,ALAN	H024211	470	MARSH	04/20/68
BENNETT,RODNEY,HIROSHI	H024212	23152	CHP	06/24/5
MCKINNEY,WAYNE	H024213	490.5	RPD	06/20/6

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
ROSS,WILLIE,ROY	H024214	496	RSD	06/05/6
EARLY,ROBERT,LEROY	H024215	11377	RPD	07/16/4
DEVILLE,MURPHY,WILLIAM	H024216	496. F	RSO	12/13/2
DEVILLE,DONALD,PATRICK	H024217	496 FC	RSO	09/05/3
ARTEAGE,HUMBERTO,BANUELOS	H024218	23152	MARSH	03/07/4
MCCARTHEY,THOMAS,EDWARD	H024219	459 PC	CRPD	05/18/3
GRIZZLE,BART,MICHAEL	H024220	459 PC	RSD	03/04/
MARTINEZ,DAVID,LEAL	H024221	11351	RPD	06/20/
FERNANDEZ,JOSE,SOLEDAD	H024222	11351	RPD	11/25/
[ILLEGIBLE],SAMUEL	H024223	11351	RPD	11/07/
ROSAS,GERARDO,CORI	H024224	11352	RPD	03/16/
GARCIA,DOMINGO,MEJA	H024225	11351	RPD	09/19/
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
[ENTRY ILLEGIBLE]				
BRUNET,MARYANNE,CAMILLE	H029610	1377H	RSO	07/03/
BURNHAN,DAVID,RYAN	H029611	203	RSO	08/27/
HURST,MICHAEL,BAANDON	H029613	4000A	RSO	08/30/5

NAME	BOOKING NUMBER	CHARGE	ARREST AGENCY	DATE OF BIRTH
YONKER,MARK,ANDREW	H029614	459	RSO	08/03/5
WYATT,EARL,WAYNE	H029616	VOP	RSO	03/24/5
NAVARRO,GUADALUPE,ANTHONY	H029618	PAROLE	RSO	01/04/5
TOTAL DEFENDANTS: 90				

Housing Unit		1	2	3	4	5	6	7	8	Iso.	Inf.	10	11	12	14	15
Section	A					21/	21/	21/	21/		18/14					
	B					21/	42/	21/	21/							
	C					18/		18/	18/							
Dayroom		0 –	0 –	0 20	0 –								0 6		8 2	6 6
Cell	1	4/3	8/4	8/9	2/1					1/1		2/2	8/6	2/3	2/2	2/2
	2	8/5	8/4	8/7	2/2							2/1	8/8	4/5	2/2	2/2
	3	8/8	8/6	8/8	2/2							2/2	8/8		2/2	2/1
	4		8/5	8/7	2/2								8/8		2/2	2/2
	5		8/6	8/8	2/1										2/2	2/2
	6		8/7	8/7	2/2										2/2	2/2
	7														2/2	2/2
TOTAL:		20/16	18/32	18/66	12/10	60/102	63/106	30/93	30/96	1/1	18/14	6/5	32/36	6/8	22/16	20/12
Jail Use Only																
STAT COUNT:		16	32	66	10	102	106	93	96	1	14	5	36	8	16	17
+/-		-4	-16	+18	-2	+42	+43	+33	+36	0	-4	-1	+4	+2	-6	-3

Detox: M
Detox: F
Blueroom: ___ I.R. Room: ___ Printroom: ___ Trusties: M ___ F:

Net Totals: Males 541 Beds 404
Females 77 Beds 80
Total 618 Beds 484
Reporting Officer: Dep. Mark Purkiss

Housing Unit		1	2	3	4	5	6	7	8	Iso.	Inf.	Seg.	11	12	14	15
Section	A					21/	21/	21/	21/		18/14					
	B					21/	42/	21/	21/							
	C					18/		[illegible]								
Dayroom		0 –	0 –	0 22	0 –								0 5		8 5	6 5
Cell	1	4/3	8/4	8/9	2/1					1/7		2/2	8/7	2/5	2/2	2/2
	2	8/5	8/4	8/8	2/2							2/1	8/8	4/3	2/2	2/2
	3	8/7	8/7	8/8	2/1							2/2	8/8		2/2	2/2
	4		8/5	8/6	2/2								8/6		2/2	2/2
	5		8/6	8/9	2/2										2/2	2/2
	6		8/7	8/7	2/2										2/2	2/2
	7														2/3	2/2
TOTAL:		20/15	18/33	18/69	12/10	60/105	63/108	60/98	60/94	1/1	18/14	6/5	32/34	6/8	22/20	20/19
Jail Use Only																
STAT COUNT:		15	33	69	10	105	108	98	94	1	14	5	34	8	20	19
+/-		-5	-15	+21	-2	+45	+45	+38	+34	0	-4	-1	+2	+2	-2	-1

Detox: M
Detox: F
Blueroom: ___ I.R. Room: ___ Printroom: ___ Trusties: M ___ F:

Net Totals: Males 552 Beds 404
Females 81 Beds 80
Total 633 Beds 484

Reporting Officer: Deputy Mark Purkiss

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Housing Unit		1	2	3	4	5	6	7	8	Iso.	Inf.	10	11	12	14	15
Section	A					21/	21/	21/	21/		18/13					
	B					21/	42/	21/	21/							
	C					18/		18/	18/							
Dayroom		0 –	0 –	0 23	0 –								0 7		8 4	6 5
Cell	1	4/3	8/5	8/9	2/1					1/1		2/2	8/8	2/3	2/1	2/2
	2	8/5	8/3	8/8	2/2							2/1	8/7	4/5	2/2	2/1
	3	8/7	8/7	8/8	2/1							2/2	8/8		2/2	2/2
	4		8/4	8/7	2/2								8/8		2/2	2/2
	5		8/5	8/7	2/2										2/1	2/2
	6		8/7	8/8	2/2										2/2	2/2
	7														2/3	2/2
TOTAL:		20/15	18/31	18/70	12/10	60/	63/	60/	60/	1/1	18/	6/5	32/	6/	22/	20/
Jail Use Only																
STAT COUNT:		15	31	70	10	105	103	89	95	1	13	5	38	8	17	16
+/-		-5	-17	+22	-2	+45	+40	+39	+35	0	-5	-1	+6	+2	-5	-4

Detox: M
Detox: F
Blueroom: ___ I.R. Room: ___ Printroom: ___ Trusties: M ___ F:

Net Totals: Males 537 Beds 404
Females 79 Beds 80
Total 616 Beds 484
Reporting Officer: D. Viveros #1408

EXHIBIT 3

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

DONALD LEE McLAUGHLIN, et al., Plaintiffs vs. THE COUNTY OF RIVERSIDE, et al., Defendants.	CASE NO. CV 87-5597 RG PLAINTIFFS' SUPPLEMENTAL MEMORANDUM - HEARINGS

Attached as Exhibit I are samples of the Orange County Jail Probable Cause for Detention Hearing logs. On January 22, 1988, 13 of 51 prisoners were released "no probable cause for continued detention." At 25%, this is significantly above the average of about 10% released in the past year or so of operations. What is more important

is that, in practice, probable cause for detention hearings are usually held within 14 hours of arrest, and rarely later than 24 hours after arrest. During personal observation on March 4, 1988, one prisoner actually received his probable cause for detention hearing 2-1/2 hours after arrest.

From counsel's observations, in person hearings save lives, pain, injury and emotional trauma. These hearings do fulfill the Constitutional requirement for a Judicial determination of probable cause which has been generally interpreted to require a live hearing. These hearings from a judicial perspective, while needing to be expanded in scope and function are, along with initial bail hearings before a Judge, Commissioner or Pro Tem, the minimum initial hearing approach appropriate to Riverside and San Bernardino Counties.

DATED: March 9, 1988

/s/ Richard P. Herman
RICHARD P. HERMAN
JAMES GLICK
PAUL W. COMISKEY
Attorneys for Plaintiff

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* * *

(Exhibit Omitted)

* * *

(Declarations Of Service Omitted)

* * *

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(213) 386-4303

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DONALD LEE McLAUGHLIN, et al., Plaintiff vs. THE COUNTY OF RIVERSIDE, et al., Defendants.	CASE NO. CV 87-5597 RG STIPULATION RE FIRST APPEARANCE

THE PARTIES STIPULATE TO THE FOLLOWING FACTS:

1. Ordinarily the first appearance before a judge or commissioner of a person arrested without a warrant and still in custody without warrants or holds in Riverside County, is at the arraignment.

2. If criminal charges have not been filed, the in-custody arrestee, without warrants or holds, is released at about 5:00 P.M. on the last day for arraignment. If criminal charges have been filed, the arraignment usually takes place on the last day for arraignment. The policy is as set out in Plaintiff's Exhibit 5 (Defendant's 101) attached hereto.

DATED: March 22, 1989

/s/ Richard P. Herman
RICHARD P. HERMAN
JAMES GLICK
PAUL W. COMISKEY
DAN STORMER
Attorneys for Plaintiffs

/s/ Michael Bell
MICHAEL BELL
PAMELA VICTORINE
PAMELA ANDERSON
PETER J. FERGUSON
Attorneys for Defendants

ARRESTED	MUST BE ARRAIGNED BY
SUNDAY: Any time	5:00 P.M. Wednesday
MONDAY: Before 5:00 P.M. (1700)	5:00 P.M. Wednesday
MONDAY: 5:01 P.M. to Midnight 1701 2400	5:00 P.M. Thursday
TUESDAY: Before 5:00 P.M.	5:00 P.M. Thursday
TUESDAY: 5:01 P.M. to Midnight	5:00 P.M. Friday
WEDNESDAY: Before 5:00 P.M.	5:00 P.M. Friday
WEDNESDAY: 5:01 P.M. to Midnight	5:00 P.M. Monday
THURSDAY: Before 5:00 P.M.	5:00 P.M. Monday
THURSDAY: 5:01 P.M. to Midnight	5:00 P.M. Tuesday

	ARRESTED	MUST BE ARRAIGNED BY
FRIDAY:	Before 5:00 P.M.	5:00 P.M. Tuesday
	5:01 P.M. to Midnight	5:00 P.M. Wednesday
SATURDAY:	Any time	5:00 P.M. Wednesday

NOTE: If a legal holiday (a day when the courts are closed) occurs on the day of arrest, the day of arraignment, or on any day in between, the arraignment may be postponed one (1) additional day.

Defts 101

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(Affidavit Of Service Omitted)

• • •

Case No. CV 87-5597 RG

MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

Date: April 17, 1989
Time: 10:00 a.m.
Courtroom: 16

(Caption Omitted In Printing)

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INTRODUCTION

Plaintiffs Donald Lee McLaughlin, John E. Jones, Diane Simon, Michael Scott Hyde, Brett Hale, David Keiser, Sharon Sweeney and Lavine Hinds, on behalf of themselves, and in their class representative capacity, have moved this court for an order granting a preliminary injunction requiring defendants County of Riverside and the Riverside County Sheriff's Department to provide all persons arrested without a warrant in the County

with a probable cause hearing conducted by a judge, magistrate, court commissioner or other authorized judicial officer within 36 hours of the time of arrest. Plaintiffs urge that this 36-hour probable cause determination is required by the United States Supreme Court decision in *Gerstein v. Pugh*, 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54 (1975), as well as by the Ninth Circuit's decision in *Bernard v. City of Palo Alto*, 699 F.2d 1023 (9th Cir. 1983).

As we discuss below, under controlling law it is clear that plaintiffs' motion for preliminary injunction must be denied. First, as a threshold matter, the named plaintiffs lack standing under Article III of the United States Constitution for purposes of prosecuting this action. This is because plaintiffs have set forth no evidence establishing that these named plaintiffs are likely to be subjected to any *future* deprivation of their constitutional rights as required by *City of Los Angeles v. Lyons*, 461 U.S. 95, 75 L.Ed.2d 675, 103 S.Ct. 1660 (1983). Second, and critically, plaintiffs are not entitled to injunctive relief in the instant case because they have not and cannot demonstrate that issuance of an injunction is necessary in order to avoid any irreparable harm arising from any violation of the United States Constitution. Specifically, as the evidence establishes, the County of Riverside presently provides a probable cause hearing for all persons arrested without warrants within two days (i.e., 48 hours exclusive of Sundays and holidays) of arrest, at the time of arraignment, consistent with the Supreme Court's decision in *Gerstein*, as interpreted by the California Supreme Court in *In re Walters*, 15 Cal.3d 738. 126 Cal.Rptr. 239, 543 P.2d 607 (1975) and expressly sanctioned by California Penal Code sections 991 and 825. Indeed, coupled with the

threshold probable cause review conducted by the arresting officers' Watch Commanders, adherence to the standards of Penal Code sections 991 and 825 currently results in the release of approximately 89%, of all misdemeanor warrantless arrestees within 24 hours of arrest, as well as a substantial portion of felony warrantless arrestees. Quite simply, the County of Riverside has instituted a program for providing probable cause determinations to prisoners that fully complies with the constitutional mandates set forth in *Gerstein* as specified by the provisions of California Penal Code sections 991 and 825. Thus, there is clearly, no need for injunctive relief at this time.

LEGAL ARGUMENT

I.

THE MOTION FOR PRELIMINARY INJUNCTION SHOULD BE DENIED BECAUSE THE NAMED PLAINTIFFS LACK ARTICLE III STANDING TO SEEK EQUITABLE RELIEF IN FEDERAL COURT

A. The Named Plaintiffs Lack Standing To Seek Injunctive And Declaratory Relief

"It goes without saying that those who seek to invoke the jurisdiction of the federal courts must satisfy the threshold imposed by Article III of the Constitution by alleging an actual case or controversy. Plaintiffs must demonstrate a 'personal stake in the outcome' in order to 'assure that concrete adverseness which sharpens the presentation of issues necessary for the proper resolution of constitutional questions. Abstract injury is not enough. The plaintiff must show that 'he has sustained or is immediately in danger of sustaining some direct injury'

as the result of the challenged official conduct and the injury or threat of injury must be both 'real and immediate,' not 'conjectural' or hypothetical.' " *City of Los Angeles v. Lyons*, 461 U.S. 95, 101, 75 L.Ed.2d 675, 103 S.Ct. 1660, 1665.

In *Lyons*, the Supreme Court explained that in order to bring an action for equitable relief in federal court and plaintiff must allege facts showing that it is likely that he will be subjected again to the same illegal conduct which he challenges. *City of Los Angeles v. Lyons*, 461 U.S. 95. There, the plaintiff brought an action for damages and injunctive relief challenging the policy of the Los Angeles Police Department in their use of chokeholds on arrestees, except in situations where deadly force was threatened. In support of his claim Lyons alleged that he had been stopped by Los Angeles police officers for a Vehicle Code violation, that he offered no resistance, and that he was subjected to a chokehold. While the Ninth Circuit initially had determined that Lyons alleged facts sufficient to establish Article III standing to seek injunctive relief by alleging that he had been subjected to the challenged chokehold procedure, the Supreme Court in granting certiorari, reversed the Ninth Circuit, holding that:

> "Lyons' standing to seek the injunction requested depended upon whether *he* was likely to suffer future injury from the use of chokeholds by police officers." *Id.*, 461 U.S. at 105, 103 S.Ct. at 1666.

In the absence of facts to support such a finding "threat of future injury was mere speculation and conjecture, and thus Lyons lacked standing to seek injunctive relief in

federal court." *Palmer v. City of Chicago*, 755 F.2d 560, 572 (7th Cir. 1985) citing to *City of Los Angeles v. Lyons, supra*, 461 U.S. at 110, 103 S.Ct. at 1669. The issue of standing bears directly upon the power of a court to entertain the action. *Foster v. Center Township LaPorte County*, 798 F.2d 237, 241 (7th Cir. 1986). "Analysis of standing under Article III focuses on the party bringing a claim, not on the claim itself." *Id.*

Applying the *Lyons* standard to the named plaintiffs, it is clear that they lack standing to prosecute the instant action for injunctive relief. Like *Lyons*, plaintiffs here have asserted no facts to support a claim sufficient to invoke the equitable jurisdiction of this court, i.e., that they will ever *again* suffer the harms which they challenge. This deficiency is fatal. *City of Los Angeles v. Lyons*, 461 U.S. 95, 75 L.Ed.2d 675, 103 S.Ct. 1660; *Foster v. Center Township LaPorte County*, 798 F.2d 237 (applying *Lyons* to a plaintiff seeking to enjoin administration of Indiana's poor relief statute, finding that even though plaintiff was a welfare recipient she was not "in immediate danger of sustaining a direct injury as the result of the defendants' conduct in establishing . . . the guidelines" and thus she lacked Article III standing to sue); *Palmer v. City of Chicago*, 755 F.2d 560 (holding that convicted defendants who could allege only a past harm in their challenge to the prosecutor's policy of withholding certain exculpatory evidence lacked Article III standing to seek injunctive relief); *Trotter v. Klincar*, 566 F.Supp. 1059, 1061 (N.D. Ill. 1983), aff'd 748 F.2d 1177 (7th Cir. 1984) ("[E]ven if we assume that Trotter was denied his right to a preliminary parole revocation hearing, this does not establish a real and

immediate threat that he would again be denied a preliminary parole revocation hearing in the future, entitling him to equitable relief." 566 F.Supp. at 1061.)

Indeed, *Lyons* has recently been applied in a case with facts strikingly similar to those of the instant action. In *Robinson v. City of Chicago*, [to be published at 868 F.2d 959] (7th Cir. 1989)[1], the Court of Appeals reversed an order granting injunctive and declaratory relief in a class action suit seeking to prevent the Chicago City Police Department from holding warrantless arrestees in excess of 72 hours without a probable cause determination. Specifically, the named plaintiffs in the class action asserted that the police department's policy of holding arrestees without a probable cause determination beyond 72 hours violated the Supreme Court's decision in *Gerstein*. None of the named plaintiffs, however, had or could establish that he would in the future again be arrested and hence suffer the purported constitutional violation so as to provide standing under *Lyons* to assert a claim for injunctive relief. Thus, the Court held:

> "[A]s with the *Lyons* plaintiff, neither Richardson nor the Doulin plaintiffs can allege that it is reasonably likely that they will again encounter the police. [Citation.] Because the various plaintiffs' future conduct presumably will give the police no probable cause to arrest them, they cannot expect that they will encounter the police or, if they did, that the police would again detain them pending investigation or fingerprint clearance. Thus, even if the police were to continue to detain others for investigation

[1] A copy of *Robinson* utilizing the Westlaw pagination is attached hereto as Exhibit 102 for the court's convenience.

> . . . the possibility that Richardson would suffer any injury as a result of that practice is too speculative. Richardson has not alleged and has not shown that he is in immediate danger of being directly injured by the same official conduct challenged as unconstitutional – post-arrest detention for investigation prior to a probable cause hearing." (Exh. 102, pp. 7-8.)

Williams v. City of Chicago, 609 F.Supp. 1017 (D.C. Ill. 1985) is similarly on point. There, the plaintiffs sought to enjoin a purported city-wide policy "which unconstitutionally authorize[d] police officers to detain arrestees indefinitely without appointment of counsel, judicial determination of probable cause or a bonding hearing while the officers complete their investigation of the arrestees." *Id.* at 1018. Relying on *Lyons*, the Court held:

> "Without a showing of any continuing, present adverse effects, past exposure to illegal conduct does not in itself show a present case or controversy for purposes of injunctive relief. [Citations.] Even if we assume that Williams was illegally detained by the police, she has not alleged or shown a real and immediate threat that she will again be detained in the future. Thus, Williams has not satisfied the prerequisites for seeking injunctive relief." *Id.*; accord *Strandell v. Jackson County*, 634 F.Supp. 824 (S.D. Ill. 1986).

An identical result was reached in *Lambert v. McFarland*, 612 F.Supp. 1252, 1269-1270 (D.C. Ga. 1984) where the plaintiff's claim that he was never given a prompt judicial determination of probable cause pursuant to *Gerstein v. Pugh*, 420 U.S. 103, 95 S.Ct. 854, was determined to be insufficient to establish the necessary Article III standing to seek injunctive relief in federal court. The Court in

Lambert relied upon *Lyons* and *O'Shea's v. Littleton*, 414 U.S. 488, 94 S.Ct. 669, 39 L.Ed.2d 674 (1974) in concluding that the plaintiff lacked standing to sue for equitable relief:

> "In *Lyons*, the lower court found as a matter of fact that the police department in the City of Los Angeles authorized the use of the chokehold by insufficiently trained offices in situations where no one is threatened by death or bodily harm. Even given this finding, the Supreme Court held that the plaintiff did not have standing to satisfy the case or controversy requirement of Article III of the United States Constitution. . . .
>
> "In O'Shea, the Supreme Court did not find an active case or controversy, because it assumed that the plaintiffs would conduct their activities within the law, and so avoid prosecution and conviction as well as exposure to the challenged course of conduct . . . since the Supreme Court has refused, in *O'Shea* . . . to assume that an individual will break the law and thereby encounter the police again, the plaintiff in the present case has no standing to seek injunctive relief." *Lambert v. McFarland, supra*, 612 F.Supp. at 1269-1270.

The United States Supreme Court's holding in *City of Los Angeles v. Lyons*, as applied to the facts of the instant case, compels the conclusion that the named plaintiffs lack the necessary standing required by Article III to pursue this federal action for injunctive relief to prohibit "misconduct" by the County of Riverside with respect to providing probable cause hearings. There is no evidence nor even allegations suggesting that the named plaintiffs are likely to be arrested again and held in a Riverside

County jail facility without a proper probable cause hearing even assuming that the named plaintiffs may, at the time the Second Amended Complaint was filed or the class certified, have been in custody and not yet received a probable cause determination in no way confers standing on them to assert a claim for *injunctive* relief that seeks creation of a program for conducting probable cause hearings for *future* arrestees. Clearly, under *Lyons*, the named plaintiffs lack standing to prosecute an action for injunctive relief which, on the facts presented, will result in no benefit to them. Moreover, as we discuss below, the mere fact that the instant suit has been brought as a class action in no way aids plaintiffs' position.

B. The Fact That This Action Has Been Brought As A Class Action Does Nothing To Confer Article III Standing Where It Otherwise Does Not Exist. In Fact, The Contrary Is True – Unless The Named Plaintiffs Have Article III Standing – They Cannot Represent The Class.

The fact that the named plaintiffs have brought this action representing a purported class in no way absolves them of the jurisdictional obligation to establish facts sufficient to support a finding that they have Article III standing in their own right with respect to prospective relief:

> " 'That a suit may be a class action . . . *adds nothing to the question of standing*, for even named plaintiffs who represent a class "must allege and show that they personally have been injured, not that injury had been suffered by another, unidentified members of the class to which they belong and which they purport to represent." ' " *Palmer v. City of Chicago*, 755 F.2d

at 570, quoting *Simon v. Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26, 40, n. 20, 96 S.Ct. 1917, 1925, n. 20, 48 L.Ed.2d 450 (1976). emphasis in *Palmer*.

As the Supreme Court has explained:

> "A named plaintiff in a class action must show that the threat of injury in a case such as this is 'real and immediate,' not 'conjectural' or 'hypothetical.' A litigant must be a member of the class which he or she seeks to represent at the time the class action is certified by the district court." *Sosna v. Iowa*, 419 U.S. 393 , 95 S.Ct. 553, 559 (1974), citations omitted.
>
> "Moreover, if none of the named plaintiffs purporting to represent a class established the requisite of a case of controversy with the defendants, none may seek relief on behalf of himself or any other member of the class." *O'Shea v. Littleton*, 414 U.S. 488, 94 S.Ct. 669, 675.

Further, at the time the complaint is filed, the named defendant must have a live case or controversy and that controversy must continue until the class action is certified. *Sosna v. Iowa*, 95 S.Ct. at 559.

Since plaintiffs have established no facts to support a finding that *they* likely would be subject *again* to the alleged unconstitutional conduct they challenge, they do not have Article III standing in their own right. *City of Los Angeles v. Lyons*. Thus, no case or controversy with respect to prospective relief existed at the time the Second Amended Complaint was filed; needless to say, subsequent certification of the class would do nothing to alter that fact. Indeed, this was precisely the holding of the Seventh Circuit in *Robinson v. City of Chicago*. As previously noted, there the Court concluded that the

named plaintiffs in a class action lacked standing to seek declaratory and injunctive relief with respect to the City's purported improper delay in providing probable cause hearings under *Gerstein*. The named plaintiffs argued that even they did not have individual standing to invoke prospective injunctive relief, the fact that "the class consisted of all in custody" meant that "someone in the class had to have standing at the time the complaint was filed as well as at the time the class was certified." (Exh. 102: p.9.) The Seventh Circuit however, rejected the contention:

> "Thus, Richardson argues, 'the constant existence of a class of persons suffering from the deprivation is certain' [citation] and 'new persons with "live" claims for injunctive relief . . . are constantly entering the category of those currently subject to defendants' alleged practice.' [Citation.] If Richardson's position were correct, the *Lyons'* plaintiff could have acquired standing simply by pleading his claim as a class action. Instead, *Lyons* relied upon *O'Shea* [citation], where the court held that a class does not become a separate entity until it is certified and, in turn, that a class will not be certified unless the named plaintiff *has standing at that time. . . .* [Para.] *[A] representative's claim must at least be live when he files the case, even if the representative's case becomes moot before the class is certified. . . . In contrast, Richardson never had a stake in the declaratory relief to lose. . . .* " Exh. 102, pp. 9-10; emphasis added.

Similarly recognizing that a personal stake in the outcome – standing to seek injunctive relief – was a necessary precondition to bringing a class action for injunctive relief, the district court in *Williams v. City of*

Chicago, a case brought as a class action, followed *Lyons* and granted a defense motion to dismiss.

> "[W]e do not believe the Supreme Court [in *Lyons*] would allow a plaintiff like Williams, who *never* had standing to sue for injunctive relief on her own behalf, to claim standing to sue for such relief on behalf of a class." *Williams v. City of Chicago*, 609 F.Supp. at 1019, emphasis in original.[2]

While no known published Ninth Circuit case has addressed precisely these issues, this Circuit's leading

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[2] Defendants are mindful that an earlier district court opinion in the Seventh Circuit, *Lewis v. Tully*, 99 F.R.D. 632 (N.D. Ill. 1983) reached a contrary result, concluding without analysis that the *Lyons* rule did not apply to certified class actions. We note, however, that in *Robinson v. City of Chicago*, the Seventh Circuit rejected the *Lewis* Court's reasoning. See Exh. 102, pp. 9-10. In *Lewis v. Tully*, the trial judge had addressed a defense challenge to the case raising Article III, and concluded under *Gerstein*, the fact that the named plaintiff had no personal stake in the outcome was not fatal. See *Lewis v. Tully*, 96 F.R.D. 370, 372-375 (1982). This determination, first made before the issuance of the Supreme Court's opinion in *City of Los Angeles v. Lyons*, was later reconsidered in light of *Lyons*. As the *Williams* Court noted in criticizing *Lewis*, the *Lewis* Court confused "mootness" with "standing" and ignored the fact that the very case upon which the Supreme Court most heavily relied in reaching its conclusion in *Lyons* was itself a class action. *Williams v. City of Chicago*, 609 F.Supp. at 1019-1020; see *O'Shea v. Littleton*, 414 U.S. at 491, 94 S.Ct. at 673. Moreover, the *Lewis* Court reads *Gerstein v. Pugh* as if that case stated a specific exception to the general rule expressed in *Lyons*. *Gerstein* was not only decided a decade before *Lyons*, but there is no indication in *Gerstein* that Article III was either raised as an issue or considered by the Court.

opinion on Article III standing since *Lyons*, *LaDuke v. Nelson*, 762 F.2d 1318 (9th Cir. 1985), is not to the contrary. In that case, the Court of Appeals addressed an appeal from a final judgment in which the INS had been enjoined from conducting warrantless "checks" for undocumented aliens at migrant farmer worker housing. The case originally had been filed in 1977 and was certified as a class action in 1979 years before *Lyons* was decided. In analyzing whether the plaintiffs had Article III standing to support the injunctive relief they had won, the Court found four factors in *LaDuke* distinguishing that case from *Lyons* and mandating a different result. Relevant to the instant action was the Ninth Circuit's fourth distinguishing factor, that *LaDuke* was a certified class action under Federal Rule of Civil Procedure 23(b)(2). Thus, since the case had already been certified as a class action, the issue of standing, on appeal, focused not on the named plaintiff, but rather on the class as a whole. This was true because a determination of the Article III standing of the class' named representative was an issue which presumably had been determined by the trial court prior to certification of the class. The Ninth Circuit recognized in *LaDuke v. Nelson*, fully consistent with *Williams v. City of Chicago* and *City of Los Angeles v. Lyons*:

> "While the fact of certification would preserve a class' standing even after the named individual representatives have lost the required 'personal stake,' *certification is not sufficient in itself to bestow standing on individuals or a class who lacked the requisite personal stake at the outset.*" *LaDuke v. Nelson, supra*, 762 F.2d at 1325; emphasis added.

Since the named plaintiffs have failed to establish facts sufficient to establish their own personal stake in an action for injunctive relief, they do not have Article III standing and cannot maintain this action either on their own behalf or on behalf of some purported class.

C. The "Capable Of Repetition Yet Evading Review" Doctrine Cannot Save The Claim Of A Plaintiff Who Does Not Have Article III Standing To Bring The Case. That Doctrine Only Applies When Plaintiff Originally Had Standing, But Due To The Passage Of Time, The Case Has Become Moot.

The "capable of repetition yet evading review" doctrine allows a plaintiff who has standing *at the time the case is filed* to continue to pursue the action in spite of the fact that the passage of time has eliminated the facts giving rise to the actual controversy between the parties. The classic example of this is *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.2d 147 (1973), where the plaintiff's challenge to state laws which restricted her right to abortion was no longer a live controversy by the time the case was before the Supreme Court. When the plaintiff's case reached that Court, she was no longer pregnant. Nonetheless, since the problem was capable of repetition, and might otherwise evade review, the Court reached the substantive issues underlying the case.

The doctrine has an additional twist when a case is brought, not as an individual action, but rather is certified as a class action. In that situation, if the case of the named plaintiff becomes moot, a court may address the underlying issues so long as some member of the class has a live claim. Thus while

> "[t]here must be a live controversy at the time this Court reviews the case . . . [t]he controversy may exist, however, between a named defendant and a member of the class represented by the named plaintiff, even though the claim of the named plaintiff has become moot." *Sosna v. Iowa*, 95 S.Ct. at 559.

However, the "capable of repetition yet evading review" doctrine only comes into play *after* the named plaintiff has satisfied the Article III case or controversy prerequisites as interpreted by *Lyons*. *Sosna v. Iowa*, 95 S.Ct. at 559. Moreover, in *Lyons*, the Supreme Court rejected the plaintiff's argument that his constitutional challenge to the chokehold procedure would "evade review." Since that claim remained to be litigated "in his suit for damages; in no sense [did] that claim 'evade' review." *City of Los Angeles v. Lyons*, 461 U.S. 95, 109, 103 S.Ct. 1660, 1699. Indeed, both these factors were considered by the Seventh Circuit in *Robinson v. City of Chicago*, in rejecting the "capable of repetition" doctrine under facts virtually identical to the instant case. There, too, in an effort to establish standing to obtain injunctive relief requiring the City of Chicago to provide prompt probably cause hearings for arrestees under *Gerstein*, the named class representatives argued that by its very nature the alleged constitutional violation in question was "capable of repetition, yet likely to evade review." The Seventh Circuit, however, in rejecting the contention, accurately noted that "the capable-of-repetition doctrine does not apply except to those exceptional situations where a plaintiff can reasonably show that he will again be subject to the alleged illegality." Exh. 102, p. 10. In short, the named plaintiff must establish his initial standing before the

"capable of repetition" doctrine comes into play. In addition, the *Robinson* court noted that the defendants alleged constitutional violations were in fact fully capable of review in the context of an action for damages. *Id.* at p. 10 ["Robinson could have achieved the same result as reached here by suing the City for damages; the court's holding that the General Order was unconstitutional would have served as res judicata in any subsequent action. Robinson most likely chose not to pursue class-wide damages to avoid the attendant notice requirements, but '(t)here is no need to throw away a venerable constitutional rule just to retain a replaceable champion'"].[3]

Since the named plaintiffs in the instant action have not established facts sufficient to establish Article III standing for themselves, the "capable of repetition" doctrine has no application to his case. A case cannot become moot which has never existed as a valid case or controversy to begin with. See *Sosna v. Iowa*, 95 S.Ct. at 559.

Because the named plaintiffs lack standing to seek and obtain injunctive relief, the motion for preliminary injunction should be denied.

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[3] Plaintiffs, of course, have not filed an action for damages in the instant lawsuit.

II.

THE MOTION FOR PRELIMINARY INJUNCTION MUST BE DENIED BECAUSE PLAINTIFFS CANNOT DEMONSTRATE THAT THEY WILL SUFFER ANY IRREPARABLE HARM ARISING FROM ANY ALLEGED VIOLATION OF THEIR CONSTITUTIONAL RIGHTS, SINCE DEFENDANTS HAVE NOW INSTITUTED PROCEDURES CONSISTENT WITH THE REQUIREMENTS OF THE CONSTITUTION AS SET FORTH IN *GERSTEIN V. PUGH*.

It is axiomatic that in order to obtain a preliminary injunction a plaintiff must demonstrate that in the absence of injunctive relief, he or she will suffer irreparable injury as the result of defendant's actions and the likelihood of success on the merits of the suit. *Los Angeles Memorial Coliseum v. Nat. Football League*, 634 F.2d 1197, 1200 (9th Cir. 1980). In the instant case, plaintiffs have sought an injunction against the County of Riverside and its entities requiring defendants to provide persons arrested without a warrant with a probable cause hearing before a magistrate, court commissioner, or other judicial officer, within 36 hours of arrest. Plaintiffs argue that such a probable cause hearing is mandated by the United States Supreme Court's decision in *Gerstein v. Pugh*, 420 U.S. 103, 95 S.Ct. 854, as well as by the Ninth Circuit's decision in *Bernard v. City of Palo Alto*, 699 F.2d 1023. In support of their application for injunctive relief, plaintiffs submit arrest records that are almost two years old – from 1987 – purporting to show the number of arrested persons who were kept in custody without receiving a prompt probable cause determination. Thus, urge the plaintiffs, in order to avoid "continued deprivation of constitutional rights," it is "necessary" that this court issue an injunction.

As we discuss below, the County of Riverside has now instituted a program by which individuals arrested without a warrant are taken before a judicial officer for a probable cause determination within two days (i.e., 48 hours excluding Sundays and holidays) of arrest, at the time of arraignment, as specified by California Penal Code section 991 – a statute designed by the Legislature to meet the requirements of *Gerstein* as interpreted in the California Supreme Court decision *In re Walters*, 15 Cal.3d 738, 126 Cal.Rptr. 239, 543 P.2d 607 – and as specified in Penal Code section 825. Thus, defendants submit that injunctive relief is not necessary in this case because the present means for providing probable cause determinations to persons arrested without a warrant fully meets the requirements of *Gerstein* and, indeed, results in the release of the majority of warrantless arrestees within 24 hours of arrest.

Gerstein involved a constitutional challenge to Florida procedures under which criminal defendants charged by a prosecutor's information could be detained for extended periods. Specifically, under those procedures, "[t]he only possible methods for obtaining a judicial determination of probable cause were a special statute [*sic*] allowing a preliminary hearing after 30 days . . . and arraignment, which . . . was often delayed a month or more after arrest." 420 U.S. at 106, 95 S.Ct. at 859. While noting that a "policeman's on-the-scene assessment of probable cause provides legal justification for arresting a person suspected of crime, and for a brief period of detention to take the administrative steps incident to arrest," the Court observed that once a suspect is in custody, "the state's reasons for taking summary action

subside" and the "suspect's need for a neutral determination of probable cause increases significantly." 420 U.S. at 113-114, 95 S.Ct. at 863. Thus, the Supreme Court held that "the Fourth Amendment requires a judicial determination of probable cause as a perquisite to extended restraint of liberty following arrest." *Id.* at 114, 95 S.Ct. at 863.

Significantly, in *Gerstein*, the Supreme Court did not attempt to "mandate a specific timetable" for probable cause determinations. *Schall v. Martin*, 467 U.S. 253, 275, 104 S.Ct. 2403, 2415, 81 L.Ed.2d 207 (1984). Rather, the Court emphasized that the Constitution does not mandate a uniform system of pretrial criminal procedure and that states were to be provided flexibility in incorporating the probable cause determination into their own existing pretrial procedures. Thus, the Court held:

> "There is no single preferred pretrial procedure, and the nature of the probable cause determination usually *will be shaped to accord with a State's pretrial procedure viewed as a whole*. While we limit our holding to the precise requirement of the Fourth Amendment, we recognize the desirability of flexibility and experimentation by the states. *It may be found desirable for example to make the probable cause determination at the suspect's first appearance before a judicial officer* [citation], or the determination may be incorporated into the procedure for setting bail or fixing other conditions of pretrial release. . . . Whatever procedure a State may adopt, it must provide a fair and reliable determination of probable cause as a condition for any significant pretrial restraint of liberty, and this determination must be made by a judicial officer either before or promptly after arrest." *Gerstein v. Pugh*, 420 U.S. at 123-125, 95 S.Ct. at 868-869; emphasis added.

Based upon the express language of *Gerstein*, in *In re Walters*, 15 Cal.3d 738, 126 Cal.Rptr. 239, 543 P.2d 607, the California Supreme Court held that the constitutional requirements articulated in *Cerstein* would be met if persons arrested for a misdemeanor without a warrant received a probable cause determination at the time of arraignment, i.e., within two days after a suspect's arrest. *Id.* at 15 Cal.3d 750. At the arraignment, the defendant was entitled to ask a judicial officer to review any documents pertinent to the arrest, including a sworn complaint, or the police or other report which forms the basis of the complaint and arrest. 15 Cal.3d at 751. Since the probable cause determination takes place at arraignment, the detainee is entitled to be represented by counsel and to present his own evidence to the judicial officer. 15 Cal.3d at 750, 752-753.

Consistent with the California Supreme Court's determination in *In re Walters* that *Gerstein* required a probable cause determination at the time of arraignment, the California Legislature enacted Penal Code section 991. See *People v. Ward*, 188 Cal.App.3d Supp. 11, 15, 235 Cal.Rptr. 287 (1986). Penal Code section 991 provides that if a "defendant is in custody at the time he appears before the magistrate for arraignment and, if the public offense is a misdemeanor to which the defendant had pleaded not guilty, the magistrate, on motion of counsel for the defendant or the defendant, shall determine whether there is probable cause to believe that a public offense has been committed and that the defendant is guilty thereof." In making the probable cause determination at arraignment, the magistrate is permitted to consider any warrant of arrest, along with supporting documents. If the court

determines that no probable cause exists, it "shall dismiss the complaint and discharge the defendant." Under Penal Code section 825, a detainee is required to be taken before a magistrate for arraignment within "two days" of arrest, excluding Sundays and holidays.[4]

In accordance with Penal Code sections 991 and 825, as well as the dictates of *Gerstein* as interpreted by the California Supreme Court in *In re Walters*, the County of Riverside presently advises all arrestees of their right to a probable cause determination at the time of arraignment as well as their right to have counsel present at that time, and, indeed, probable cause determinations may be conducted at arraignment. Declaration of the Honorable

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[4] Penal Code section 825 provides in pertinent part:

> "The defendant must in ail cases be taken before the magistrate without unnecessary delay, and, in any event, within two days after his arrest, excluding Sundays and holidays; provided, however, that when the two days prescribed herein expire at a time when the court in which the magistrate is sitting is not in session, such time shall be extended to include the duration of the next regular court session on the judicial day immediately following."

There is currently a conflict among the California Courts of Appeal as to whether the term "two days" as sued [sic] in section 825 means 48 hours from the time of arrest, excluding Sundays and holidays (*People v. Chambers*, 276 Cal.App.2d 89, 80 Cal.Rptr. 672 (1969); *People v. Lee*, 3 Cal.App.3d 514, 421 [sic], 83 Cal.Rptr. 715 (1970), cert. denied, 402 U.S. 999, 91 S.Ct. 2175 (1971); *People v. Ross*, 236 Cal.App.2d 364, 368, 46 Cal.Rptr. 41 (1963); *Youngblood v. Gates*, 200 Cal.App.3d 1302, 1335-1337, 246 Cal.Rptr. 775 (1988) (George, J. dissenting) or two "calendar" days from the time of arrest (*Youngblood v. Gates*, 200 Cal.App.3d 1302).

Ronald L. Taylor, Exh. 103; Declaration of Peter Kiyasu, Exh. 104. Arraignments are conducted during regular business hours every day, excluding Saturdays, Sundays and holidays. *Id.* In addition, as a matter of course and policy, the Watch Commanders on duty in all of the police agencies in Riverside County scrutinize arrest reports of each arrestee for purposes of determining whether there was probable cause to arrest and, if probable cause is lacking, will order the prisoner released. Exh. 105.[5] As a review of log sheets tracing disposition of warrantless arrestees for a three-day period from Sunday, March 19, 1989, through Tuesday, March 21, 1989, indicates, the County of Riverside's present policy of providing probable cause determinations at arraignment, coupled with threshold probable cause determinations made by the supervisors of the arresting officers, results in the majority of warrantless arrestees being released within 24 hours and the majority of remaining arrestees held over for further proceedings or other warrants, within two days. Declaration of Larry Smith, Exh. 106 [Exhs. C and D thereto]. Indeed, a warrantless arrestee being held beyond the statutory periods of sections 991 and 825 without a hearing is the exception and not the rule, and hardly indicative of any policy or practice on the part of the County of Riverside to prevent a prisoner from receiving a proper probable cause determination.

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[5] Exhibit 105 consists of the declarations of the respective Chiefs of Police of the cities of Riverside, Perris, Corona, Indio, Hemet, Desert Hot Springs, Cathedral City, San Jacinto, Blythe, Coachella and Banning, as well as the area commander of the California Highway Patrol and the station commanders for the Riverside County Sheriff's stations in Banning, Hemet, Indio, Blythe, Moreno Valley and Lake Elsinore.

Defendants respectfully submit that the County of Riverside's current program fully complies with the provisions of California Penal Code sections 991 and 825 and meets the requirements of *Gerstein*. In setting up the time of arraignment as an appropriate time period for making a probable cause determination, the California Legislature, consistent with the Supreme Court's invitation in *Gerstein*, has incorporated the probable cause determination into its own pretrial procedures – procedures which in many respects provide a defendant with considerably more protection than required under *Gerstein*, i.e., the presence of an attorney and the full benefits of an adversarial proceeding before a judicial officer.

Defendants are aware that in *Bernard v. City of Palo Alto*, 699 F.2d 1023, the Ninth Circuit suggested that under *Gerstein*, a probable cause determination should, in the absence of exigent circumstances, be made within 24 hours after arrest in light of the public entity's admission in that case that the "administrative steps incident to arrest" could be completed within 10 hours. Defendants are also aware that in *Scott v. Gates*, United States District Court Case No. CV 84-8647 RG, this court determined that the County of Orange was required to provide a probable cause determination to warrantless arrestees within 36 hours of arrest, except in exigent circumstances. Yet, defendants submit that the measures taken by the County of Riverside with respect to persons arrested without a warrant differ greatly from the procedures described in *Bernard*, and those apparently before this court in *Scott* and that the legal arguments raised herein were neither raised nor addressed in those cases. Indeed, in order to determine that the County of Riverside, under

its present procedures which fully comply with the dictates of *Gerstein* as interpreted by the California Supreme Court in *In re Walters* and embodied in Penal Code sections 991 and 825, violates the Constitution, would require this court to expressly hold section 991 unconstitutional – a point neither raised nor addressed in *Bernard* or, apparently, *Scott*.

Significantly, at least one federal appellate court has recognized that by its plain terms, *Gerstein* expressly permits a state to prescribe a time period for providing a probable cause hearing up to 72 hours after arrest. In *Williams v. Ward*, 845 F.2d 374 (2d Cir. 1988), the Court of Appeals held that a state's procedure for providing a probable cause determination at arraignment within 72 hours of arrest was constitutionally permissible under *Gerstein*. As have the plaintiffs in the instant case (and presumably the plaintiffs in *Bernard* and *Scott*), the plaintiffs in *Williams* "[d]rawing upon the reference in *Gerstein* to 'a brief period of detention to take the administrative steps incident to arrest,' . . . contend[ed] that an arrestee is constitutionally entitled to a probable-cause hearing as soon as would be reasonably possible under conditions that are assumed to be relatively ideal." 845 F.2d at 385-386. The Court of Appeals, however, rejected this simplistic interpretation of *Gerstein*, holding (at 386):

> "The case law simply does not support this rule. *Gerstein* itself stressed the need for flexibility and expressly stated that a probable-cause determination might be made at the first appearance before a judicial officer *or* incorporated into procedures for pretrial release. [Citations.] That alone is a dispositive statement that completion of the 'administrative steps incident

> to arrest' doe[s] not trigger a right to an immediate probable-cause hearing in light of the fact that numerous other steps are necessary to complete the pretrial release procedures into which the probable-cause determination may be merged. The ALI [Model Code of Pre-Arraignment] procedures referred to in *Gerstein*, moreover, do not require a probable-cause determination at the first appearance. [Citation.] Finally, *Schall [v. Martin, 467 U.S. 253, 104 S.Ct. 2403, 81 L.Ed.2d 207 (1984)]* expressly approved the possibility that, since probable cause need not be found at the initial appearance under the Family Court Act, a probable-cause hearing might be delayed until 3 (and sometimes 6) days after the initial appearance."

The Court continued (also at 386):

> "The Court . . . recognized that states might employ procedures that are more complex than the minimum ex parte hearing described in *Gerstein*, and that states may wish to combine probable-cause hearings with procedures for fixing the terms of pretrial release [citation]. In addition, by endorsing the procedures of the ALI Model Code, the court recognized that states could constitutionally choose to employ adversarial procedures albeit two 'court days' after arrest, to determine probable cause. [Citation.] Similarly, in *Schall*, the Supreme Court expressly upheld procedures that entitled an accused juvenile 'to a formal adversarial probable cause hearing within 3 days of his initial appearance.' [Para.] The Supreme Court's endorsement of such a vast array of procedures, along with its recognition that additional procedures require additional time, *indicate that the constitutional 'promptness' of a probable cause hearing must be determined in light of the totality of the processes afforded the defendant*." Emphasis added.

Thus, in *Williams*, the Second Circuit noted that in light of the fact that "the use of arraignment procedures to determine probable cause provides members of the plaintiff class with benefits that would not be available if probable cause were determined through the use of minimal ex parte procedures immediately after completion of the 'administrative steps incident to arrest,'" these "'procedural benefits provided to arrestees under New York City's arraignment system justify constitutional arrest-to-arraignment periods of seventy-two hours in length." *Id.* at 387. Indeed, as the *Williams* court observed, conducting probable cause determinations at the time of arraignment provides concrete benefits to an arrestee that more than justify the slight delay that may result from scheduling and conducting a full-blown adversarial proceeding:

> "In particular, the accused is present at the arraignment and has the benefit of counsel in attacking the sufficiency of the charging instrument. More importantly, . . . arraignments involve far more than probable-cause determinations. Before arraignment, prosecutors both review the appropriateness of the charge against an arrestee and make a recommendation with regard to the possibility of pretrial release. In addition, the arrestee, with the assistance of defense counsel, may negotiate a final disposition at arraignment. . . . In other cases, the court may set bail or other conditions of pretrial release." *Id.* at 845 F.2d at 387.

Quite simply, in *Williams*, the Court correctly determined that *Gerstein* requires a court to take into account the *totality* of the processes afforded to an arrestee by the

particular criminal justice system in determining the permissible amount of delay between the time of arrest and providing a probable cause determination in the context of such procedures. This is, of course, an aspect of *Gerstein* not addressed in *Bernard v. City of Palo Alto*, 699 F.2d 1023, or other federal appellate decisions requiring probable cause determinations less than 48 hours after an arrest. See *Williams v. Ward*, 845 F.2d at 386, fn. 15. We note that the Supreme Court denied review in *Williams*. See 109 S.Ct. 818, 102 L.Ed.2d 807.

Under the standards enunciated by the Supreme Court in *Gerstein*, as interpreted by the Court in *Williams v. Ward*, it is plain that the present system utilized by the County of Riverside for conducting probable cause determinations adequately meets the requirements of the Constitution. Pursuant to the provisions of the California Penal Code, individuals arrested without a warrant and in custody must receive the opportunity for a probable cause determination within "two days" of arrest (excluding Sundays and holidays), i.e., at arraignment. As the data attached to the instant opposition demonstrate, currently the vast majority of individuals arrested without a warrant are in fact arraigned within the statutory two-day period; indeed, the majority of arrestees are released without arraignment within 24 hours of arrest. Exhibit 106 [Exhs. C and D thereto]; Exhibit 101, Exhibit 107.

The only evidence offered by plaintiffs to support their motion for preliminary injunction is over two years old. As the evidence submitted by defendants indicates, under present procedures, the County of Riverside and its entities are in full compliance with the requirements of the United States Constitution with respect to providing

probable cause determinations to those individuals arrested without a warrant. Because the County of Riverside is currently complying with both the provisions of California law and the United States Constitution, there is simply no need for an injunction in this case. Thus, the motion for preliminary injunction should be denied.

CONCLUSION

For the foregoing reasons, defendants respectfully submit that the motion for preliminary injunction should be denied.

Dated: April 7, 1989.

Respectfully submitted,

FERGUSON, PRAET & SHERMAN
FIDLER & BELL
GREINES, MARTIN, STEIN & RICHLAND
MARTIN STEIN
PAMELA VICTORINE
TIMOTHY T. COATES

By /s/ Timothy T. Coates
Timothy T. Coates

Attorneys for Defendants
County of Riverside and
Cois Byrd, Sheriff of
Riverside County

ARRESTED	MUST BE ARRAIGNED BY
SUNDAY: Any time	5:00 P.M. Wednesday
MONDAY: Before 5:00 P.M. (1700)	5:00 P.M. Wednesday
MONDAY: 5:01 P.M. to Midnight 1701 2400	5:00 P.M. Thursday
TUESDAY: Before 5:00 P.M.	5:00 P.M. Thursday
TUESDAY: 5:01 P.M. to Midnight	5:00 P.M. Friday
WEDNESDAY: Before 5:00 P.M.	5:00 P.M. Friday
WEDNESDAY: 5:01 P.M. to Midnight	5:00 P.M. Monday
THURSDAY: Before 5:00 P.M.	5:00 P.M. Monday
THURSDAY: 5:01 P.M. to Midnight	5:00 P.M. Tuesday

	ARRESTED	MUST BE ARRAIGNED BY
FRIDAY:	Before 5:00 P.M.	5:00 P.M. Tuesday
	5:01 P.M. to Midnight	5:00 P.M. Wednesday
SATURDAY:	Any time	5:00 P.M. Wednesday

NOTE: If a legal holiday (a day when the courts are closed) occurs on the day of arrest, the day of arraignment, or on any day in between, the arraignment may be postponed one (1) additional day.

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Date 3/22/89
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* * *

(Exhibit 102 Omitted)

* * *

Exhibit 103

DECLARATION

The Honorable Ronald L. Taylor, Judge, declares and says:

I am the presiding Judge of the Municipal Court of the State of California, Riverside Judicial District, located at 3547 10th Street, Riverside, California.

Each day, excluding Saturdays, Sundays, and holidays, arraignments, both misdemeanor and felony, are conducted for those persons in custody in the County of Riverside Jail, Riverside, California, via a video camera.

The misdemeanor in-custody arraignments are conducted at 10:30 a.m. by the Honorable Becky Dugan, Court Commissioner, presiding in Division 25 of the Municipal Court.

The felony in-custody arraignments are conducted at 1:30 p.m. by the Honorable J. Thompson Hanks, Judge, presiding in Division 24 of the Municipal Court.

Prior to arraignment, those persons in custody being arraigned via the video camera system are shown a video tape statement of their legal and constitutional rights. The video tape which they are shown is an advisement of rights by the Court. Attached hereto, marked Exhibit "A", is a transcript of the advisement of rights given to those persons charged with a misdemeanor. Attached hereto, marked Exhibit "B", is a transcript of the advisement of rights given to those persons charged with a felony.

During the arraignment, the person being arraigned is able to communicate verbally with the Court. Present with the defendant during a felony arraignment is a Deputy Public Defender. The person being arraigned is able to communicate verbally with the Deputy Public Defender.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of April, 1989, at the City of Riverside, California.

/s/ Ronald Taylor
The Honorable Ronald L. Taylor Judge of the Municipal Court

EXHIBIT A

I am going to advise you of your constitutional rights that apply to every misdemeanor case. These rights will be explained to you by your attorney if you request it but I'm going to do that now so it will save time for you when the judge actually does approach you and ask you for your plea.

In each misdemeanor case you have the following constitutional rights, which include the right to an attorney. If you request an attorney and cannot afford one, the court will appoint one to represent you; however, if you can afford it you may be required to pay for partial costs of your attorney's fees. The hearing will be held at the end

of your case to determine whether or not you can afford to pay for any of these fees.

You also have the right to a continuance of this proceeding to enter your plea. You have the right to a continuance of not more than seven days for the purpose of entering your plea. ___ for that purpose you need to request that of the judge.

You also have the right to a reasonable bail to be set in your case.

You also have the right if you enter a not guilty plea to have your trial within 30 days of today's hearing if you are in custody. You have the right to have that trial by jury. If you waive your right to a trial by jury then you will have a trial by a judge sitting without a jury.

You also have the right to confront and cross-examine any witnesses that may appear against you, which means that you have the right to be in court with them and to see them and to listen to their testimony, as well as have your attorney ask them any questions that you would like.

You have the right also not to incriminate yourself, which means that you do not have to provide any evidence against your self or your case, nor do you have to provide any testimony.

You further have the right if you are convicted or plead guilty to be sentenced within a reasonable time, which means that you cannot be sentenced unless six hours have elapsed and it cannot go farther than five days unless you give up the right to the six-hour delay and then you can be sentenced right away after you enter

your plea of guilty if that's what you wish to do. If you wish to enter a plea of nolo contendre [sic] or no contest it will have the same effect as if you entered a guilty plea for the purposes of this criminal hearing. However, the difference is that it cannot be used against you in any civil proceeding or civil lawsuit.

If you are charged with a misdemeanor your sentence can range anywhere from probationary period with no time in custody and no fine all the way up to a probationary period, a fine of $1,000, and no more than 12 months in the county jail.

Further, if you're not a citizen of the United States and you enter a plea of guilty or if you are convicted, the possibility is that you could be deported or excluded from the United States if you leave and wish to come back, or you could be denied naturalization rights.

Further, you have the right to have a hearing to determine whether there was probable cause for your arrest, if you request one at the time of this hearing. If you have any other questions about your rights you should ask your attorney when you appear in court and discuss your matter with your attorney.

EXHIBIT B

Because you were charged with a felony, you have the following constitutional rights:

You have the right to a preliminary hearing within ten court days of today. If the court finds at that preliminary

hearing that there is probable cause to hold you to answer to the Superior Court, you have the right to a speedy and public trial by jury or by court within sixty days of your arraignment in the Superior Court. At both your preliminary hearing and your jury trial, you have the right to cross-examine and confront the witnesses against you, to offer evidence in your behalf, and to use the court's subpoena power to bring any witnesses to court on your behalf. You also have a right at both proceedings to refuse to testify, or, if you wish, to testify. At all stages of the proceedings in felony matters you have the right to the representation of a lawyer. If you cannot afford a lawyer the court will appoint you one. You also have the right to have reasonable bail set for you. Finally, you have a right to have a hearing to determine whether there was probable cause for your arrest within a reasonable time, at your request.

proceedings to refuse to testify, or, if you wish, to testify. At all stages of the proceedings in felony matters you have the right to the representation of a lawyer. If you cannot afford a lawyer the court will appoint you one. You also have the right to have reasonable bail set for you. Finally, you have a right to have a hearing to determine whether there was probable cause for your arrest within a reasonable time, at your request.

Exhibit 105

Declaration of Riverside County Sheriff's Department – Banning Station Report Review

I, Charlotte A. Boytor, as Commander of the Riverside Sheriff's Department Banning Station, am personally aware of the arrest report review for the Banning Station and if requested to testify reference the procedure, would do so.

All reports dealing with the arrest of a person and/or persons are considered as RUSH reports, and treated as such within the Banning Station of the Riverside Sheriff's Department. After the Deputy has made an arrest his report is submitted for review. The reports are reviewed on a daily basis by the Watch Commander. In the case of the Banning Station, the Watch Commander is a Sergeant, and in most instances there is a Sergeant on duty twenty-four hours a day.

The reviewing Sergeant checks the report for proper charges, elements of the crime charged, and probable cause for the arrest, among other things. The reviewing Sergeant must be satisfied that sufficient probable cause for the arrest exists before he will initial said report and forward it for further processing. If the reviewing Sergeant is not satisfied with the probable cause for arrest as articulated by the arresting Deputy, he will immediately contact the arresting Deputy for additional information and or reports. If the reviewing Sergeant is not satisfied with the arresting Deputy's explanation and/or additional information; the reviewing Sergeant will direct the arresting Deputy to have the person arrested released pursuant to 849(b)(1) Penal Code. Should the arresting

Deputy not be available to do so, the reviewing Sergeant will personally have the arrested person released pursuant to 849(b)(1) Penal Code, as being the superior officer.

While release pursuant to the above circumstances have been rare within the Banning Station, it has occurred; and I can personally state that it has been done, although, I cannot recall specific cases at this time.

I declare under the penalty of perjury that the foregoing is true and correct and this Declaration was executed at Banning, California on March 29, 1989.

/s/ Charlotte A. Boytor
Captain Charlotte A. Boytor

Commander Riverside
Sheriff's Department

Banning Station

Declaration of Robert Daniel Spain

I, Robert Daniel Spain, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so;

2. That I am a Captain and Commander of the Hemet Station of the Riverside County Sheriff's Department, in the County of Riverside, State of California.

3. That it is the practice of this Department, as prescribed by P.O.S.T. and other recognized police practice organizations within the State of California; the following booking procedures.

a) After an arrest is made, and after booking of the suspect at the County Jail facility; all arrest reports are reviewed by the Watch Commander.

b) The Watch Commander's review of these documents is to review for possible writing errors as well as to check the charging violation.

c) The Watch Commander, before he approves the reports, must be satisfied that the facts surrounding the arrest must fit the appropriate Penal Code violation.

d) Further, the Watch Commander must be satisfied that probable cause exists for the arrest. If he believes that further facts are needed to confirm probable cause, he will further question the arresting officer to determine if a supplemental report is required.

e.[sic] If however, after there is further inquiry of the arresting officer, there is no basis for the arrest, i.e., no crime or Penal Code violation, he will instruct the arrestee be immediately released.

4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed at Hemet, California on March 16th, 1989.

/s/ Robert D. Spain

Declaration Of Susan J. Hansen

I, Susan J. Hansen, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so;

2. That I am Captain and Commander of the Riverside Patrol and Investigation Bureau of the Riverside Sheriff's Department, in the County of Riverside, State of California.

3. That it is the practice of this Department, as prescribed by P.O.S.T. and other recognized police practice organizations within the State of California; the following booking procedures.

   a) After an arrest is made, and after booking of the suspect at the Riverside County Jail facility; all arrest reports are reviewed by the Watch Commander.

   b) The Watch Commander review of these documents is to review for possible writing errors as well as to check the charging violation.

   c) The Watch Commander, before he approves the report, must be satisfied that the facts surrounding the arrest must fit the appropriate Penal Code violation.

   d) Further, the Watch Commander must be satisfied that probable cause exists for the arrest. If he believes that further facts are needed to confirm probable cause, he will further question the arresting officer to determine if a supplemental report is required.

   e) If, however, after there is further inquiry of the arresting officer, there is no basis for the arrest, i.e. no crime or Penal Code violation, he will instruct the arrestee be immediately released.

4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed at Riverside, California on March 24, 1989.

/s/ Susan J. Hansen

DECLARATION OF CAPTAIN MICHAEL R. LEWIS

I, Michael R. Lewis, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so;

2. That I am the Station Commander of the Riverside County Sheriff's Indio Station in the City of Indio, in the County of Riverside, State of California.

3. That it is the practice of this Sheriff's Station to follow, as prescribed by the Commission on Peace Officers Standards and Training (P.O.S.T.) and other recognized police practice organizations within the State of California, the following booking procedures.

   a. After an arrest has been made and the suspect has been booked at the Riverside County Jail in the City of Indio, all arrest reports are reviewed by an Investigator. The primary and almost exclusive function of this Investigator is the review and processing of arrest reports and maintaining a positive liaison with the District Attorney's Office. He has been trained in report writing structure and procedures.

   b. The Investigator reviews these documents for possible writing errors, as well as to confirm proper violations have been charged.

   c. The Investigator, before he approves reports, must be satisfied the facts surrounding the arrest fit the appropriate code violation as charged.

   d. Further, the Investigator must be satisfied that probable cause existed for the arrest. If he believes additional facts are needed to confirm probable cause, he will further question the arresting officer to determine if a supplemental report or a re-write of the original report is needed.

   e. If, after further inquiry of the arresting officer, he determines there is no basis for the arrest, i.e. no crime or code violation, he insures the arrestee is immediately released from custody.

4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed in Indio, California, on March 15, 1989.

/s/ Michael R. Lewis
Michael R. Lewis

DRAFT

Declaration of Dennis Froemming

I, Dennis Froemming, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so;

2. That I am a Captain with the Riverside County Sheriff's Department, in the County of Riverside, State of California.

3. That the following booking procedures are practiced by this Department, as prescribed by P.O.S.T. and

other recognized police agencies within the State of California;

a. After an arrest is made, and after booking of the suspect at the County Jail, all arrest reports are reviewed by the Watch Commander.

b. The Watch Commander's review of these documents is to review for possible writing errors as well as to check the charging violation.

c. The Watch Commander, before he approves the reports, must be satisfied that the facts surrounding the arrest must fit the appropriate Penal Code violation.

d. Further, the Watch Commander must be satisfied that probable cause exists for the arrest. If he believes that further facts are needed to confirm probable cause, he will further question the arresting officer to determine if a supplemental report is required.

e. If, however, after there is further inquiry of the arresting officer, there is no basis for the arrest, i.e. no crime or Penal Code violation, he will instruct the arrestee be immediately released.

4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed by Blythe, California, on March 17, 1989.

/s/ Dennis Froemming

DECLARATION OF KENNETH N. GOLDEN

I, Kenneth N. Golden, do hereby declare as follows:

A. That I have personally prepared this declaration, which is based upon professional and factual information, pertaining to the arrest and report review procedures existing at the Moreno Valley Police Department, a Riverside County Sheriff's contract, and therefore would testify, if requested to do so, to the following;

B. That I am a Riverside County Sheriff's Captain who performs as the Station Commander for the City of Moreno Valley in the County of Riverside, State of California, by authority vested in a contractual agreement between the City of Moreno Valley and the Sheriff's Department of the County of Riverside which provides comprehensive law enforcement services to the City of Moreno Valley.

C. That the staff employed by Riverside County Sheriff's Department assigned to the "Moreno Valley Police Department" follow the below listed arrest, booking, and report procedure as prescribed by Peace Officers Standards and Training, Sheriff's Department Policy and other governing factors that are recognized police practices within the State of California;

1. All officers who employe [sic] arrest powers are graduates of a California P.O.S.T. certified basic peace officer's academy and the Riverside County Sheriff's Department Field Training Officer Program.

2. Each officer is in compliance with P.O.S.T. advance officer training schedules.

3. After a Moreno Valley Police Officer (Deputy Sheriff) arrests an offender for a violation and subsequently elects to book the person into the Riverside County Jail the arrest report is

reviewed by a shift supervisor who is minimally a Sheriff's Sergeant.

4. The supervisor, while reviewing the arrest reports, focuses on several factors to ensure the quality of the investigation and documentation thereof.

5. Prior to final approval of the written report, the reviewing supervisor establishes in his/her mind, from facts articulated in the report, that the elements of the offense that caused the person(s) to be arrested and booked were present prior to the arrest and documented accordingly in the report.

6. If the supervisor determines that probable cause for the arrest or elements of the crime were not present at the time of arrest, or may have been omitted from the report, the report will not be approved without further investigation.

7. When probable cause for the arrest or elements of the crime are in question, the supervisor reviewing the report will contact the arresting officer to clarify any questions related to probable cause or missing elements of a crime that resulted in the arrest.

8. In the event the required information did exist and was erroneously omitted, the supervisor and arresting officer will determine if a supplemental report is in order to satisfy the questions related to probable cause and/or elements of the crime that resulted in the arrest.

9. In the event further discussion between the arresting officer and supervisor reveals that probable cause or elements of the crime were insufficient to warrant the arrest, the arrestee will be immediately released from custody in accordance with appropriate Section(s) of the California Penal code.

D. The frequency of occurrence related to prisoners being released from custody due to a lack of probable cause or a lack of corpus delicti noted in arrest reports by supervisors is very low, however, when warranted, it does occur.

I, Kenneth N. Golden, declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed at Moreno Valley Police Department, 23618 Sunnymead Blvd., Moreno Valley, California, on March 16, 1989.

/s/ Kenneth N. Golden
Kenneth N. Golden, Captain
Riverside County Sheriff

DECLARATION OF William D. Reynolds

I, William Reynolds, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so.

2. That I am a Riverside County Sheriff's Captain and Commander of the Sheriff's Station in the City of Lake Elsinore in the County of Riverside, State of California. I further serve as the Chief of Police for the City of Lake Elsinore. Lake Elsinore contracts with the Sheriff's Department for city law enforcement.

3. That it is the practice of this Department, as prescribed by P.O.S.T. and other recognized police practice organizations within the State of California; the following booking procedures.

a) After an arrest is made, and after booking of the subject at the City Police Station, or nearest County Jail facility; all arrest reports are reviewed by the Watch Commander.

b) The Watch Commander review of these documents is to review for possible writing errors as well as to check the charging violation.

c) The Watch Commander, before he approves the reports, must be satisfied that the facts surrounding the arrest must fit the appropriate Penal Code violation.

d) Further, the Watch Commander must be satisfied that probable cause exists for the arrest. If he believes that further facts are needed to confirm probable cause, he will further question the arresting officer to determine if a supplemental report is required.

e) If, however, after there is further inquiry of the arresting officer, there is no basis for the arrest, i.e., no crime or Penal Code violation, he will instruct the arrestee be immediately released.

4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed at Lake Elsinore, California on March 15, 1989.

/s/ William D. Reynolds

DECLARATION OF L. L. RICHARDSON

I, L. L. Richardson, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration, and if requested to testify, I would do so:
2. That I am the Chief of Police of the City of Riverside, in the County of Riverside, State of California.
3. That the following occurred [sic] after a subject is arrested, and booked by an Officer of this Police Agency.
   a) After an arrest is made, and after booking of the suspect at the nearest County jail facility; all arrest reports are reviewed by a Supervisor.
   b) The Supervisors [sic] review of these documents is to screen for possible writing errors as well as to check the charging violation.
   c) The Supervisor, before he/she approves the reports, must be satisfied that the facts surrounding the arrest must fit the appropriate Penal Code violation.
   d) Further, the Supervisor must be satisfied that probable cause exists for the arrest. If he/she believes that further facts are needed to confirm probable cause, he/she will further question the arresting officer to determine if a supplemental report is required.
   e) If, however, after there is further inquiry of the arresting officer, there is no basis for the arrest, i.e. no crime or Penal Code violation, he/she will insure that the arrestee be immediately released.
4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under the penalty of perjury that the foregoing is true and correct and this Declaration was executed at Riverside, California on March 27, 1989.

/s/ L L Richardson
L. L. Richardson, Chief of Police

Declaration Of Joel E. Patton

I, Joel E. Patton, do hereby declare as follows:

1. That I am personally aware of the facts given in the Declaration and if requested to testify I would do so;

2. That I am the Chief of Police of the City of Perris, in the County of Riverside, State of California.

3. That it is the practice of this Department, as prescribed by P.O.S.T. and other recognized police organizations within the State of California; and following booking procedures.

   a) After an arrest is made, and after booking of the suspect at the City Police Station, or nearest County Jail facility; all arrests reports are reviewed by the Watch Commander.

   b) The Watch Commander review of these documents is to review for possible writing errors as well as to check the charging violation.

   c) The Watch Commander, before he approves the reports, must be satisfied that the facts surrounding the arrest must fit the appropriate Penal Code violation.

   d) Further, the Watch Commander must be satisfied that probable cause exists for the arrest. If he believes that further facts are needed to confirm probable cause, he will further question the arresting officer to determine if a supplemental report is required.

   e) If, however, after there is further inquiry of the arresting officer, there is no basis for the arrest,

i.e. no crime or Penal Code violation, he will instruct the arrestee be immediately released.

4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed at Perris California on March 27, 1989.

/s/ Joel E. Patton

DECLARATION OF CHIEF JOHN H. CLEGHORN

I, John H. Cleghorn, do hereby declare the following:

1. I am the Chief of Police for the City of Corona in the County of Riverside, State of California.

2. It is the practice of the Corona Police Department to follow P.O.S.T. guidelines and those recognized by departments throughout the state of California, the following booking procedures:

   a) After the arrest and booking of a suspect at the Corona Police facility or nearest county jail facility, all arrest reports are reviewed by a supervisor.

   b) The supervisor reviews these reports for possible writing errors as well as to check the charging violation(s).

   c) Before the supervisor approves the report, he must be satisfied that the facts surrounding the arrest fit the appropriate violation of the law.

   d) The supervisor must be satisfied that probable cause exists for the arrest. If he believes that

further information is needed to confirm probable cause, he will question the arresting officer to determine if a supplemental report is necessary.

e) If, after the supervisor questions the arresting officer and it is determined that the basis for the arrest is solely on probable cause that does not exist, he will instruct the officer to immediately release the arrestee.

3. Although prisoners are seldom released for lack of probable cause, it occasionally occurs and a small percentage of arrestees are released as a result.

4. I am personally aware of the facts given in this declaration and if requested to testify, I would do so.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS DECLARATION WAS EXECUTED AT CORONA, CALIFORNIA ON MARCH 24, 1989.

/s/ John H. Cleghorn
John H. Cleghorn
Chief of Police

JHC:TS:db

Declaration Of Jerry N. Graves

I, Jerry N. Graves, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so;

2. That I am the Chief of Police of the City of Indio, in the County of Riverside, State of California.

3. That it is the practice of this Department, as supported by P.O.S.T. Training and other commonly recognized police practice organizations within the State of California; the following booking procedures.

a) After an arrest is made, and after booking of the subject at the Indio County Jail Facility, all arrest reports are reviewed by the Watch Commander.

b) The Watch Commander reviews these documents for grammatical errors and sufficiency of information concerning any charging violations.

c) The Watch Commander, before he approves these reports, must be satisfied that the report sets forth sufficient facts and information surrounding the arrest to fit the appropriate law violation.

d) Further, Indio Police Officers who arrest and book any person are required to complete all reports concerning the booking prior to securing from duty.

e) Further, upon report review, the Watch Commander must be satisfied that probable cause exists for the arrest and booking. If he believes that further facts or information are necessary to confirm probable cause, he will further question the arresting officer to determine if a supplemental report is required.

f) If, however, after such further inquiry of the arresting officer(s), there is no basis for the arrest/booking (e.g. lacks proveable [sic] elements of crime or violation), he will instruct that the arrestee be immediately released from custody.

4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed at Indio, California on March 16, 1989.

/s/ Jerry N. Graves
JERRY N. GRAVES
CHIEF OF POLICE
CITY OF INDIO

DECLARATION OF HEMET POLICE DEPARTMENT

I, Jerry D. Putman, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so;

2. That I am the Chief of Police of the City of Hemet, in the County of Riverside, State of California.

3. That it is the practice of this Department, as prescribed by P.O.S.T. and other recognized police practice organizations within the State of California; the following booking procedures.

   a) After an arrest is made, and after booking of the suspect at the City Police Station, or nearest County Jail facility; all arrest reports are reviewed by the Watch Commander.

   b) The Watch Commander review of these documents is to review for possible writing errors as well as to check the charging violation.

   c) The Watch Commander, before he approves the reports, must be satisfied that the facts surrounding the arrest must fit the appropriate Penal Code violation.

   d) Further, the Watch Commander must be satisfied that probable cause exists for the arrest. If he believes that further facts are needed to confirm probable cause, he will further question the arresting officer to determine if a supplemental report is required.

   e) If, however, after there is further inquiry of the arresting officer, there is no basis for the arrest i.e., no crime or Penal Code violation, he will instruct the arrestee be immediately released.

4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed at Hemet, California on March 14, 1989.

/s/ Jerry D. Putman

Declaration of Frank Robles, Chief of Police.

I, Frank Robles, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and will testify to said facts if requested to do so;

2. That I am the Chief of Police of the City of Desert Hot Springs, in the County of Riverside, state of California.

3. That it is the normal practice of this department, as prescribed by P.O.S.T. and other law enforcement organizations within the state of California, the following booking procedures:

a) After an arrest is made, and after booking the suspect at the nearest county jail facility, all arrest reports are reviewed by the watch commander or the investigations sergeant.

b) The person reviewing the reports will check then [sic] for possible writing errors.

c) The person reviewing the reports must be satisfied that the facts surrounding the arrest fit the Penal Code Section cited on the arrest report before giving final approval.

d) The person reviewing the report must be satisfied that probable cause existed at the time the arrest was made. If not, he will either question the arresting officer and or direct him to supplement the arrest report to further clarify the arrest.

e) If, after further questioning or report review, the reviewer determines there was no basis for the arrest, i.e., no crime or no prosecution desired, he will instruct the booking facility to immediately release the arrestee.

f) although release of prisoners because of a lack of probable cause for arrest does not occur often, a small number of arrestees are subsequently released in this manner.

I declare under the penalty of perjury that the forgoing is true and correct and that this Declaration was executed at Desert Hot Springs, California on March 27, 1989.

/s/ Frank Robles
FRANK ROBLES
Chief of Police

DECLARATION OF THOMAS C. KENDRA

I, THOMAS C. KENDRA, do hereby declare as follows:

1. That, I am the chief of Police in the City of Palm Springs, Riverside County, State of California;

2. That, I am personally aware of the background leading up to probable cause hearing and the facts given in this declaration and if requested to testify I would do so;

3. That, it is the policy and practice of the Palm Springs Police Department as prescribed by P.O.S.T., and other recognized police organizations within the State of California; the following booking procedures:

   a. After an arrest is made and after booking of the prisoner brought to the Police station, the Watch Commander then reviews the arrest reports. The Palm Springs Police Department booking slip is in fact a probable cause statement and contains the elements of the crime and a short scenario of the arrest.

   b. The Watch Commander (Sergeant or Lieutenant) reviews the pre-booking slips and the arrest reports checking for possible writing errors as well as to check the charging violation.

   c. The Watch Commander, before he approves a report, must be satisfied that the facts surrounding the arrest fit the appropriate Penal Code violation.

   d. The Watch Commander must be satisfied that probable cause exists for the arrest. If he believes that further facts are needed to confirm probable cause, he will question the arresting officer to determine if a supplemental report is required.

   e. If, however, after there is further inquiry of the arresting officer, there is no basis for the arrest, i.e. no crime of [sic] Penal Code violation, then he

will instruct the arrestee be immediately released. (See release form)

4. Although release of prisoners for lack of probable cause does not occur *often* a small percentage of arrestees are released in this manner.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Palm Springs, California, on March ___, 1989.

/s/ Thomas C. Kendra
THOMAS C. KENDRA
Chief of Police
Palm Springs Police Department

PALM SPRINGS POLICE DEPARTMENT
GENERAL ORDER

FROM: Office of the Chief of Police

TO: All Personnel

NUMBER: 89-10

SUBJECT: CERTIFICATE OF RELEASE

DATE: March 13, 1989

Policy: Effective immediately, a revised 1989 Palm Springs Police Department *Certificate of Release* form shall be issued in compliance with Sections 851.6(a) and (b) P.C.

Release reasons will be determined by the following guidelines:

A. 825 P.C. Arrestee not arraigned within two days.

B. 849(b)(1) P.C. The arresting officer, a supervisor or the investigator assigned the case determines that there are insufficient grounds for making a criminal complaint.

C. 849(b)(2) P.C. Arrested for intoxication only, no further proceedings desirable.

D. 849.5 P.C. No charges filed – D.A. reject.

It shall be the responsibility of the *releasing officer*, the *releasing officer's supervisor* or the *assigned investigator*, to complete the *Certificate of Release* form, make two copies and issue the original to the subject being released. The copies should be attached to the booking slip and routed to the Warrant Clerk. The Warrant Clerk will send one copy to the Department of Justice and cause one copy to be placed into the Palm Springs Arrest file. In cases in which the arrestee is charged with 647(f) P.C. – Alcohol and released 849(b)(2) P.C., make one copy only which will stay with the booking slip.

/s/ Thomas C. Kendra
THOMAS C. KENDRA
Chief of Police
TCK:jm

PALM SPRINGS POLICE DEPARTMENT
CERTIFICATE OF RELEASE

Penal Code Section 849.5 provides:

In any case in which a person is arrested and released and no accusatory pleading is filed charging him/her with an offense, any record of arrest of the person shall include a record of release. Thereafter, the arrest shall not be deemed an arrest but a detention only.

_____ _____
(Name) (D.O.B.)

Was arrested on _____ by the Palm Springs Police Department

Was released on _____ by the Palm Springs Police Department

No accusatory pleading has been filed. Therefore, this arrest shall not be deemed an arrest, but a *DETENTION ONLY*.

RELEASE REASON

Check One:

( ) 825 P.C. (Not arraigned within two days).

( ) 849(b)(1) P.C. (Insufficient grounds for making criminal complaint).

( ) 849(b)(2) P.C. (Alcohol intoxication only).

( ) 849.5 P.C. (No charges filed)

SIGNED: _____

TITLE: _____

Check One: Releasing Officer ( ) Releasing Officer Supervisor ( )

Revised 1989

I, Ronald A. Johnson do hereby affirm and declare that the following facts are true and correct;

1. I am personally aware of all stated facts within this declaration and will testify to the same if required;

2. I, Ronald A. Johnson, am Chief of Police for the City of Cathedral City, County of Riverside, State of California.

3. The Cathedral City Police Department subscribes to the practices of P.O.S.T. and other recognized policing organizations within the State of California.

4. The Cathedral City Police Department follows the following booking procedures of an arrestee.

   a. Upon the arrest of a person by the Cathedral City Police Department, that person is transported to the Cathedral City Police Station or the Indio County Jail facility. All reports pertaining to that arrest are forwarded to the on duty Watch Commander for approval of said arrest.

   b. It is the Watch Commander's duty to review all documents pertaining to the arrest for possible discrepancies in report writing and to ascertain that probable cause and the elements of the crime have been met.

   c. If the Watch Commander was to ascertain a discrepancy in the probable cause for the arrest, he would ascertain from the arresting officer, further information and determine if, in fact a supplemental report relating that information is required.

   d. If upon further inquiry by the Watch Commander it is determined that no basis for an arrest was present, he would immediately order the arrestee be released from custody.

5. This type of release for lack of probable cause very seldom occurs and this very small percentage is released pursuant to the California Penal Code.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed

at the Cathedral City Police Department, Cathedral City, California on March the 15th, 1989.

/s/ Ronald A. Johnson
Ronald A. Johnson, Chief of Police

DECLARATION OF JOSEPH M. KOZMA

I, Joseph M. Kozma, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify, I would do so;

2. That I am the Chief of Police of the City of San Jacinto in the County of Riverside, State of California.

3. That it is the practice of this Department, as prescribed by The P.O.S.T. Commission and other recognized police organizations within the State of California; that the following booking procedures are adhered to:

   a) Upon arrest and booking of a suspect at the City Police Station, or nearest County Jail facility; within 24 hours, all arrest reports are reviewed by a supervisor.

   b) The supervisor's review of all documents is to ensure correction of grammar, elements of the crime existed, and proper charges filed.

   c) The supervisor, before he approves the reports, must further be satisfied that the facts surrounding the arrest fit the appropriate Penal Code violation.

   d) The supervisor must be satisfied that "PROBABLE CAUSE" exists for the arrest. If he believes that further facts are needed to confirm probable

cause, he will further question the arresting officer to determine if a supplemental report is required.

   e) If after further inquiry of the arresting officer, there is no basis for the arrest, i.e., lack of "probable cause" or no crime was committed, he will instruct that the arrestee be immediately released.

4. Although release of prisoners for lack of "probable cause" does not occur often, a small percentage of arrestees are released in this manner.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed at San Jacinto, California, on March 15, 1989.

/s/ Joseph M. Kozma
Joseph M. Kozma, Chief of Police
Joseph M. Kozma, Chief of Police

DECLARATION OF VERIFICATION OF PROBABLE CAUSE ON ALL ARRESTS

I, Robert K. Feemster, do hereby declare the following:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so;

2. That I am the Chief of Police of the City of Blythe, in the County of Riverside, State of California.

3. That it is the practice of the Blythe Police Department, as prescribed by P.O.S.T. and other recognized Police practice organizations with the State of California; the following booking procedures;

   a) After an arrest is made, and after booking the suspect at the nearest County Jail facility; all

arrest reports are reviewed by the Watch Commander, Sergeant, or other Supervisory Officer with the Blythe Police Department.

b) The Watch Commander or other Supervisory Officer reviews these arrest and related reports for writing errors as well as to verify there is probably [sic] cause to charge the arrested person with the crime(s) he/she is in custody for.

c) The Watch Commander or other Supervisory Officer, before he/she approves the reports, must be satisfied that the facts surrounding the arrest must fit the appropriate Statute Code Section the arrested person is charged with.

d) Further, the Watch Commander must be satisfied that probable cause exits for the arrest. If he believes that further facts are needed to confirm probable cause, he will further question the Arresting Officer to determine if a supplemental report is required.

e) If, however, after there is further inquiry of the Arresting officer, there is no basis for the arrest, i.e. no crime or Statutory Code violation, he will instruct the arrestee be immediately released.

4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestee's [sic] are released in this manner.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed at Blythe, California on March 16, 1989.

/s/ Robert K. Feemster
Robert K. Feemster
Chief of Police

Declaration of In-Field Review

I, Arnold Jimenez, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so;

2. That I am Chief of Police of the City of Coachella, in the County of Riverside, State of California.

3. That it is the practice of this Department, as prescribed by P.O.S.T. and other recognized police practice organizations within the State of California; the following booking procedures.

   a) After an arrest is made, and after booking of the suspect at the City Police Station, or nearest County Jail facility; all arrest reports are reviewed by the Watch Commander.

   b) The Watch Commander review of these documents is to review for possible writing errors as well as to check the charging violation.

   c) The Watch Commander, before he approves the reports, must be satisfied that the facts surrounding the arrest must fit the appropriate Penal Code violation.

   d) Further, the Watch Commander must be satisfied that probable cause exists for the arrest. If he believes the further facts are needed to confirm probable cause, he will further question the arresting officer to determine if a supplemental report is required.

   e) If, however, after there is further inquiry of the arresting officer, there is no basis for the arrest, i.e. no crime or Penal Code violation, he will instruct the arrestee be immediately released.

4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed at Coachella, California on March 30, 1989.

/s/ Arnold Jimenez
Arnold Jimenez
Chief of Police
Coachella Police Department

Declaration of Banning Police Department Report Review.

I, Leroy Gren, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so;
2. That I am the Chief of Police of the City of Banning, in the County of Riverside, State of California.
3. That it is the practice of this Department, as prescribed by P.O.S.T. and other recognized police practice organizations within the State of California; the following booking procedures.
   a) After an arrest is made, and after booking of the suspect at the nearest County Jail facility; all arrest reports are reviewed by the Watch Commander.
   b) The Watch Commander review of these documents is to review for possible writing errors as well as to check the charging violation.
   c) The Watch Commander, before he approves the reports, must be satisfied that the facts surrounding the arrest must fit the appropriate Penal Code violation.
   d) Further, the Watch Commander must be satisfied that probable cause exists for the arrest. If he believes that further facts are needed to confirm probable cause, he will further question the arresting officer to determine if a supplemental report is required.
   e) If, however, after there is further inquiry of the arresting officer, there is no basis for the arrest, i.e. no crime or Penal Code violation, he will instruct the arrestee be immediately released.
4. Although release of prisoners for lack of probable cause does not occur often, a small percentage of arrestees are released in this manner.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed at Banning, California on March 31, 1989.

/s/ Leroy E. Gren

Declaration of Captain S.H. Russell

I, S.H. Russell, do hereby declare as follows:

1. That I am personally aware of the facts given in this Declaration and if requested to testify I would do so.
2. That I am Area Commander of the Riverside Area Office of the California Highway Patrol (CHP), in the County of Riverside, State of California.
3. That it is the practice of our Area, as prescribed by P.O.S.T. and other recognized police organizations within the state of California to follow booking procedures as follows:
   A. When a suspect is arrested and incarceration is required or allowed, the suspect is booked at the Riverside County Main Jail. In each case an arrest report is submitted to and reviewed by the officer's immediate supervisor.

B. The immediate supervisor's responsibility is to review the arrest and the arrest documents to assure that there was sufficient probable cause for arrest and that the elements of each violation are clearly specified.

C. If the immediate supervisor questions the report, the officer is requested to immediately explain the specifics of the case. If the elements are present, but not specified in the report, the report is updated with all the facts.

D. If at any point in an investigation it is determined that the arrest lacked probable cause or that the elements against the suspect do not warrant prosecution, the suspect is immediately released pursuant to Section 849 PC with the concurrence of a supervisor. Seldom is it necessary that a subject be released from *jail* pursuant to Section 849 PC; however on occasion suspects are released *prior to booking* under 849 B1 PC due to low breath reading.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed at Riverside City, California on March 23, 1989.

/s/ S H Russell
S.H. RUSSELL, Captain
Riverside Area CHP Commander
